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ABSTRACT

This paper begins with the theme that because education is so important to the exercise of one's fundamental rights and to personal, social, cultural, political, economic, and human development, it is one of the unenumerated rights retained by the American people through Amendment IX of the Bill of Rights. After arguing for the proposition that education is a right, the paper examines how Reagan administration policies undermine education through budget cuts for domestic human services and resource programs, neofederalism, block grants, and expanded support for the military establishment. Finally, economic growth and social and political development are discussed in relation to education; the focus here is upon education as an essential element in human capital development and in the preservation and enhancement of a democratic polity. The overall thesis of this work is that public support for human services and investment, particularly education, is an indispensable part of any realistic program for economic and social recovery. Appended are (a) a short paper by Mary Carter-Williams, entitled "The Challenge to Equal Opportunity in Higher Education"; (b) excerpts from the "AAUP Legislative News," detailing proposed funding cuts under the Reagan Administration; and (c) an essay regarding higher education's major contribution to the nation's economy. Also attached is a bibliography. (CG)

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THE RIGHT TO EDUCATION

REAGANISM, REAGANOMICS, OR HUMAN CAPITAL?

Kenneth S. Tollett

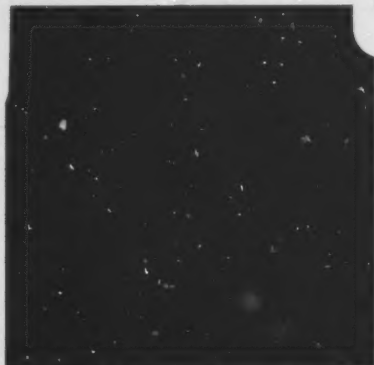
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THE RIGHT TO EDUCATION:
REAGANISM, REAGANOMICS,
OR HUMAN CAPITAL?

by

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PREFACE

At the request of Congressmen John Conyers, Jr., Peter W. Rodino, Morris K. Udall, Henry S. Reuss, and 48 other members of Congress, the Institute for Policy Studies initiated a wide-ranging series of studies covering from defense to housing concerning the Reagan Administration Fiscal Year (FY) 1983 Budget. Marcus Raskin, Co-founder and a Senior Fellow of the Institute, requested me to do the educational paper for the studies which he is editing. The studies are to be published in a volume entitled *A Program for Economic and Social Recovery*. The following Occasional Paper is a slightly modified version of my contribution to the studies.

Originally, I proposed an outline entitled "The Political Economy of President Reagan's Education and Equity Policy: A Human Capital Perspective." After reviewing the preliminary draft of the outline and discussing the paper, Mr. Raskin suggested that my contribution be entitled "The Right to Education." An earlier draft of the paper, to which Floyd W. Hayes, III, a Research Fellow at the Institute for the Study of Educational Policy (ISEP), made a substantial contribution, was entitled "The Right to Education: Neo-federalism, Reaganomics or Human Capital?"^a This earlier

^aThe December, 1981 *ISEP Monitor* had a series of articles dealing especially with the political economy of Reaganomics and Reaganism including one by Mr. Hayes entitled "Notes on Reaganomics: In Good Supply We Trust." Mr. Hayes is presently conducting a research project with the assistance of Ms. Velisa Y-T. Perry, Research Assistant at ISEP, entitled *Confrontation and the New American Dilemma: The Reagan Administration Versus Equality of Opportunity*.

Other articles in the December 1981 *ISEP Monitor* related to the Reagan Administration were:

Kenneth S. Tollett, "Director's Corner: Surviving to Reap the Long-Term 'Benefits' of Reaganism?"

K.S. Tollett and Doris James, "Neo-Federalism: Taking Liberties with the Constitution"

Edwin Dorn, "Productivity and Human Capital: The Missing Link"

Doris James, "Block Grants in Review"

Luther Brown, "The Enhancement of Traditionally Black Colleges and Universities in the 1980s: A New Beginning?"

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version said very little about the right to education, and I decided to rewrite the paper and make it consistent with its main title. Mr. Raskin did not fully indicate why he thought my contribution should be entitled, "The Right to Education," but I inferred that the importance I gave to education suggested to him that it should be ranked as a right.

As the Table of Contents indicates, this Paper contains in addition to the Introduction and the Conclusions and Recommendations, three major chapters or sections:

The Right to Education

Reaganism: Reducing Investments in Human Resources and Social Services; Increasing Military Outlays

Education, Economic Growth and Social and Political Development

Because education is so important to the exercise of one's fundamental rights and to personal, social, cultural, political, economic and human development, I argue that it is one of the unenumerated rights retained by the people through the Amendment IX in the Bill of Rights.

The Amendment IX has been used very little in the development of Constitutional Law.^b However, since I prefer explicit textual support for constitutional claims, I have resorted to the Amendment IX. I recognize the debatableness of my argument, particularly since I do not explicitly use natural rights or natural law analysis to develop my argument. Some members of our National Advisory Board wisely and appropriately suggested that perhaps some attention should be given to a natural right or natural law analysis. However, although most of my liberal arts education in

^b "Prior to 1965, the ninth amendment had never been used in a Supreme Court decision. A limited number of articles specifically devoted to the ninth amendment had been written in the previous decade and passing reference to it had been made in several notable treatises on the Constitution and in several works on the Bill of Rights. Nevertheless, its existence and potential application was essentially ignored by constitutional scholars and practicing lawyers."

Eugene M. Van Loan, II, "Natural Rights and the Ninth Amendment" *Boston University Law Review* 48 (Winter 1968): 1-2.

college and political science training in graduate school were with eminent natural rightists of the University of Chicago, I am philosophically and jurisprudentially an analytical positivist. This should be clear to any reader after seeing the first paragraph of my chapter on "The Right to Education."

Three difficulties with my approach do not need to be addressed fully. They are: (1) the Supreme Court has held that education is not a fundamental right; (2) the drafters of Amendment IX may not have regarded education as an unenumerated right, if they thought about it at all; and (3) most of the Bill of Rights suggests, if not implies, that unenumerated rights are negative rights, that is, limitations on the power of the federal government to deal with individuals. However, I will discuss these difficulties briefly.

The first point is actually implicitly, if not explicitly, dealt with in the discussion of the "Right to Education" in section II. Those who are not familiar with constitutional law development and the specific terms of the Bill of Rights may be surprised that the Amendment IX has been reduced to practically a nullity. As section II will indicate, I agree with Justice Goldberg's contention that the drafters of the Bill of Rights intended that the Amendment IX have some meaning, effect and operation.

The second point may be disposed of by reference to the notion that in the formulation of a concept or principle, the formulator or drafter does not have to be able to think of every instance or example of it.⁶ Indeed, instances or examples of its use and content may evolve or develop, if they do not exist at the time of its conception or formulation. For example, Article I, section 8 of the Constitution provides in part that Congress shall have power to regulate commerce among the several States. For a long time commerce was regarded as the movement of goods and services between the States, particularly by waterways and stagecoaches and later railroads. Airplanes were not contemplated as a mechanism of trade or commerce and radio and television were inconceivable. Yet, would anyone seriously and reasonably question the power of Congress to regulate the airlines and the radio and television airwaves?

This partially answers the third problem in that a blueprint for

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the protection of basic rights may require structural supports which point in various directions: perpendicular, horizontal, and diagonal. The blueprint structural metaphor can only be suggestive and evocative. George Lakoff and Mark Johnson have correctly written, "*The essence of metaphor is understanding and experiencing one kind of thing in terms of another.*"⁴ Yet, it is useful to think of the Constitution as providing a blueprint for a governmental structure and apparatus which would endure through time.

The exigencies of time, evolution and development may clearly transform so-called negative rights into positive rights. Indeed, the Amendment I treatment of freedom of speech, press, association and religion is negative in form but positive in substance, operation and effect.⁵ However, whereas the positive exercise of the

⁴In taking a conceptualistic, and for constitutional law interpretation, a strict constructionist perspective, I wrote the following in 1959 about the above issue:

"If policy or fundamental principles must be talked about in law, they should be talked about in legal terms. 'Vehicle,' in our example above is a generic term. The fact that the legislators only had horses and buggies in mind is not a limitation upon the meaning or import of 'vehicle.' For as Professor Fuller has aptly questioned, 'Is a man's intent co-extensive with the images which accompany it?' 'Vehicle' encompasses a certain class of objects. All objects that naturally fall within that class should be included within the purview of the statute. It is dishonest rhetoric to talk about the expansion or contraction of the meaning of a statute. More objects, or, if the term described a process or activity, activities, fit into the meaning of the term than before. When terms show thrust and the ability to include new objects like this they are sometimes loosely spoken of as manifesting a social policy. The effect may be the execution of a social policy; but the cause is the straight-forward application of a legal rule or principle that has in it generic terms. When enactments are written in the broadest generic terms so that they may properly be called legal principles or policy pronouncements, then it might be accurate to say the application of the enactments is uncertain, unclear and indefinite. But even here the law should be amenable to clear, definite and certain statement."

Kenneth S. Tollett, "Verbalism, Law, and Reality," *University of Detroit Law Journal* 37 (December, 1959): 226, 239.

⁵George Lakoff and Mark Johnson, *Metaphors We Live By* (Chicago: The University of Chicago Press, 1980), p.5.

⁶"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

United States Constitution, Amendment I.

Amendment I rights requires a hands-off government, the positive enjoyment of the right to education requires a hands-on or affirmatively acting government.

Actually, the materials in section IV on "Education, Economic Growth and Social and Political Development" provide necessary and sufficient evidence and support for the proposition that education is a right. Subsection C of section III on "Reaganism" provides additional evidence and support, although attenuated, for the same proposition.

The above argument as well as the more extended statement in the Paper is intended to persuade the reader that the right to education by virtue of its importance today is one of the unenumerated rights retained by the people in Amendment IX. Surely, it has not been proven with overwhelming certainty. Indeed, the persuasiveness of this argument, as is the case with many arguments regarding policies and values, depends upon the predisposition of the individual regarding the interest or values advanced by the argument.¹

The budget materials covered in this Paper are primarily focussed upon the 1983 Budget. However, this Preface will include a few words about the Reagan Administration Fiscal Year (FY) 1984 Budget which was recently submitted.²

The FY 1984 Reagan Budget proposed reducing the Department of Education expenditures by \$1.2 billion to \$13.2 billion. This would constitute a 13 percent reduction in educational funds from FY 1983 appropriations. The Administration is also proposing an eight percent rescission in the FY 1983 appropriations with \$969 million coming from the Guaranteed Student Loans and Higher and Continuing Education programs. Nearly \$300 million of the rescission would come from K-12 programs, including Title I for Disadvantaged Students, Migrant Education, Impact Aid, Wom-

¹Kenneth S. Tollett, *Black Colleges as Instruments of Affirmative Action* (Washington, D.C.: Institute for the Study of Educational Policy, Howard University, 1982), p. 52.

²Dr. Mary Carter-Williams, a Senior Fellow on the ISEP staff, has written a succinct analysis of the FY 1984 Budget. See Appendix A.

en's Educational Equity, Follow-Through, Ellender Fellowship, Bi-lingual Education, and Indian Education. These proposals suggest that the objectives of the Reagan Administration in education are the same, but the strategy and tactics for reaching those objectives have been modified and, even, muted.

The most important student financial assistance program for higher education is not being directly assaulted with proposals for substantial reductions in funds as was proposed in the FY 1982 and 1983 Budgets. But it is being assaulted by the restructuring and, even, the expanding of some programs and the elimination of funds for others. Thus, Pell Grants would be changed to Self-Help Grants with the funds for same increased by 12.2 percent (from \$2.4 billion to \$2.7 billion). Although the maximum grants are increased from the current \$1,800 to \$3,000, students may receive these so-called Self-Help Grants only if the contribution of students adds up to 40 percent of the cost of education (with parents contributing 18 percent of their disposable income).

The emphasis on self-help and parental responsibility is commendable.^b Nevertheless, this type of substantial restructuring should be approached with great circumspection and attention to the probable disruptive consequences that will flow inevitably from the uncertainty and insecurity created by this program change. A very careful analysis must be made of what students and parents can contribute to the postsecondary education of the students, given the current and reasonably foreseeable short-range depressed economic conditions.

The Administration should not lose sight of the philosophy and policy of the Pell Grants and the Student Financial Assistance programs. These programs attempted to ensure that no willing and able student would be denied a postsecondary educational opportunity because of financial need.

The proposed elimination of the National Direct Student Loans (NDSL), Supplemental Educational Opportunity Grants (SEOG), and State Student Incentive Grants (SSIG) creates skepticism re-

^bSee accompanying text of footnote 94 *infra*.

garding the commitment of the Administration to invest in education or human resource programs. This skepticism is reinforced by proposals to eliminate all funding for Cooperative Education, International Education, Veterans Cost of Instruction, Aid to Land-Grant Colleges, Graduate and Professional Opportunity Programs (GPOP), Public Service Fellowships, law-related programs (including Council on Legal Education Opportunity [CLEO] which is designed to increase the number of minority and other disadvantaged law students), and college housing assistance. The cutback in programs for the disadvantaged (for example, the TRIO programs, which included Talent Search, Special Services for the Disadvantaged and Upward Bound) compounds the skepticism.

However, the substance of Title III of the Higher Education Act of 1965 and the Minority Institution Science Improvement Programs has been retained. Also, the recommended appropriations for the former have been increased from \$129.6 in FY 1983 to \$134 million in FY 1984. This is a positive proposal from the Black perspective since predominantly Black higher educational institutions have received significant benefits from the Title III program.

The Administration's request for less funds for the Guaranteed Student Loan program is understandable because of lower interest rates. Its recommendation that the program become entirely need-based is not inconsistent with expanding equal educational opportunity, but could have negative consequences because it could erode middle class support for financial aid.

From the perspective of the Institute, special note should be taken of the present Administration's Executive Order on behalf of Historically Black Colleges and Universities¹ and its significant support of Howard University. In the first section of the Order issued by President Ronald Reagan on September 15, 1981, it states:

Section 1. The Secretary of Education shall supervise annually the development of a Federal program designed to achieve a

¹"Executive Order: Historically Black Colleges and Universities," *ISEP* 5 (September 1981): 30.

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significant increase in the participation by historically Black colleges and universities in Federally sponsored programs. This program shall seek to identify, reduce, and eliminate barriers which may have unfairly resulted in reduced participation in, and reduced benefits from, Federally sponsored programs. This program will also seek to involve private sector institutions in strengthening historically Black colleges.¹

This is a commendable initiative, but if the Federal Student Financial Assistance program is weakened, as has been proposed, the benefits to be derived from the White House Initiative could be undermined because of reduced financial assistance for needy students. Of course, to the extent that the student assistance proposals will concentrate on the truly needy, Black students in all types of institutions should benefit because Blacks disproportionately suffer from financial need.

If one's sensibility and predisposition toward education will likely determine whether it will be seen as a right, then section IV with its two major subsections on "Mission and Purposes" and "Functions of Education" is critical for the thesis and analysis of this Paper. Broadly, the mission of education is to adapt and adjust its citizens to society, but in the United States, an emerging post-industrial society, it means more. It means carrying out certain postsecondary educational purposes, for example:

- The provision of developmental opportunities.
- The advancement of human capability.
- The enlargement of educational justice.
- The transmission of learning.
- The critical evaluation of society.

The second subsection of IV discusses the production, citizenship and consumption functions of education. The production function is closely related to the economy and the subsection emphasizes the human capital factor. The citizenship and consumption functions deserved more attention than they got. The inadequate attention was partially because my assignment was tilted in

ibid.

the direction of the economy, which is the overriding concern of most. However, Mr. Raskin's title for the over-all piece, "A Program for Economic and Social Recovery," did permit attention to matters which are not strictly economic. A democracy cannot function very effectively without an educated citizenry. Sensibility, sensitivity, and taste, which are largely affected by the consumption function of education, are obviously very important.

Many members of the Institute's staff deserve special acknowledgement. Mr. Floyd W. Hayes, III, Research Fellow, drafted a major part of a much shorter and earlier version of this Paper. In that earlier draft and in most of the deliberations of the Institute, he is constantly reminding us of the importance of knowledge, information, technocrats and managers in the emerging postindustrial United States. Dr. Mary Carter-Williams, Senior Fellow, has provided very helpful and constructive comments. Her analysis of the FY 1984 Budget, which should be published later by the Institute in the *ISEP Perspective* and from which excerpts are printed in Appendix A, was very useful in the writing of this Preface. Mr. Gregory Gadson, my Legal Research Assistant, provided significant input into my rewriting of the discussion of human capital. Ms. Portia James, my Research Assistant, provided much of the documentation for this Paper. Ms. Doris James-Wilson, a Research Assistant on the staff, prepared the Tables and Figures for this Paper. Mrs. Audrey Vaughan, Editorial Assistant, provided valuable editing. Research Fellows Drs. Mary Dilworth and Bonnie Gillespie provided helpful comments.

Ms. Sheila Vance provided externally substantial editorial assistance. Several other people, not on the staff of the Institute, have read this manuscript in various drafts, particularly the later ones, and provided constructive comments—especially members of Committee R (Governmental Relations) of the American Association of University Professors (AAUP) and some of the members of the American Section (AMINTAPHIL) of the International Association for the Philosophy of Law and Social Philosophy (IVR).

Parts of earlier drafts of this paper were typed by a number of members of the ISEP Support Staff, especially my secretary, Ms. Sandra Davis. However, the final versions of the paper were typed

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on a word processor principally by Ms. Brenda Woods, with some assistance from Ms. Le' Angela Smith, Receptionist/Secretary, and Ms. Dolores Gaskins, Secretary, all on the Institute Support Staff.

Special acknowledgement and thanks are extended to Mr. Marcus Raskin of the Institute for Policy Studies, who got me involved in this enterprise.

None of the above individuals, of course, shares any responsibility for any deficiencies in this Paper.

The views expressed in this Paper do not necessarily reflect those of Howard University or the National Advisory Board of the Institute for the Study of Educational Policy. However, on behalf of the Institute National Advisory Board, I express gratitude to all who have contributed to the production of this Paper and the continued support of the University Administration and Ford Foundation.

Kenneth S. Tollett
February 1983

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We are here today, therefore, to affirm our belief in ideals and goals which are unrealized but worthwhile. We are not here to deny the progress that has been made but to dedicate ourselves to tasks that are yet unfinished. America's invisible men and women will remain in the cellar if we abandon the tools that have begun to bring them out. And none of us should forget the observation of Epictetus who himself had once been a slave. In reflecting on the character of Greek society in his day, he observed that man has decided that only free men shall be educated, but God has decreed that only the educated shall be truly free.

—President James E. Cheek
Howard University

I. Introduction

Today education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the Armed Forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.

—Chief Justice Earl Warren¹
United States Supreme Court

Homo sapiens means a tasting, sensing, and knowing being. More than any other attributes, the capacities to know, taste, and sense as well as to communicate taste, sensation, and knowledge distinguish humans from other beings. Loosely defined, education is the process by which humans internalize and organize their tasting, sensing, and knowing experiences and systematically transmit what has been internalized and organized to others, particularly offspring.

All societies or communities educate their members to some degree. To the extent that a community or society supports and nourishes its inhabitants, it provides them with educational opportunities. Educational opportunities permit the expression of the human desire to explain, control, and revere or reunite with nature. Most societies attempt to direct their educational opportunities through custom or positive law—particularly, elementary and secondary education.

Modern societies, especially industrial nations, have a special

¹ *Brown v. Board of Education*, 347 U.S. 483, (1954).

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interest in and concern for higher education. I elsewhere have defined higher education as follows:

Higher education is essentially an intellectual process that creates and transmits knowledge, develops and structures critical cognitive powers, enhances and reinforces sensitivity and sensibility, and combines the dominant urges of selfconscious humankind to explain, control, and revere or reunite with nature in a purposeful pursuit of understanding human relationships and the relationships between humans and nature.²

This definition applies to elementary and secondary education if socializing and acculturating functions are emphasized.

Education is a right, not a privilege, as sure as living and breathing, eating and sleeping, and working and worshipping are rights. Since a right is a normatively-driven concept, it cannot be demonstrated empirically. In value analysis, philosophers can establish whether a right is accepted and, thus, exists so accepted. Yet, in a special way, a norm, value, or right depends upon the conjunction of experience and advocacy pointing to a consensus for the adhesion to a proffered norm, value or right.

In a basic sense, education is a defining characteristic and condition of *homo sapiens* as indicated above. This is the reason a minimally self-conscious society provides it. Practically everything an individual or a group of individuals does to adapt and survive is learned. Thus, education in its generic sense comprises socializing and developmental learning components that communities provide for those who live in them. This is the reason education is a necessity.

Education today connotes a more formalized, structured process and it has been institutionalized in various ways around the world. America could conceivably survive merely educating its citizens in the basic sense mentioned above. Yet, as a major power in an emerging postindustrial world order, it can hardly competitively

² Kenneth Tollett, "Faculty and Government," in *Education and the State*, ed. John F. Hughes (Washington, D.C.: American Council on Education, 1975), p. 212.

thrive without a highly structured and formalized educational system.

Institutionalized education in the United States has been transformed from a wish, want, or aspiration into a need, necessity, and condition for political, economic, and social development. Life, liberty, and the pursuit of happiness more than ever require quality education. As America moves into the postindustrial last score of the Twentieth Century, its cultural, economic, political and social development will become increasingly dependent upon how well its populace is educated.

When Russia launched Sputnik in October 1957, the United States' leadership and its general populace recognized anew the critical importance of an educated citizenry for an economically, militarily, and politically strong America. Because of Sputnik, Congress enacted and President Eisenhower approved the National Defense Education Act (NDEA) of 1958—one of the Federal government's most significant programmatic initiatives in education.³

The NDEA provided assistance to state and local school systems for instruction in science, mathematics, modern foreign languages, and other critical subjects; improvement of State statistical services; guidance, counseling, and testing services and training institutes; and higher education student loans and fellowships. The NDEA also provided assistance for foreign language institutes, advanced foreign language study in colleges and universities; experimentation and dissemination of information on the more effective utilization of television, motion pictures, and related media for educational purposes; and vocational education for technical occupations necessary to the national defense. These provisions⁴ probably indicate that the NDEA was motivated more by economic and political development than by cultural and social development, although foreign language study is frequently associated with cul-

³ Editorial Research Reports, *Education in America: Quality vs. Cost* (Washington, D.C.: Congressional Quarterly, Inc., 1981), p. 87.

⁴ National Defense Education Act of 1958, 42 U.S.C. § 1876 (1976).

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tural and, sometimes, social development.⁵

Universal elementary education is practiced in most, if not all, industrial nations, and the Third World developing nations also recognize its importance. Substantial resources are allocated throughout the world to subsidize and finance education—a clear recognition of its importance and value. All state constitutions in the United States provide for education in some way. Given its importance and value in modern industrial America, education should be regarded as one “of certain rights . . . retained by the people” in the Amendment IX to the United States Constitution.⁶

After arguing for the proposition that education is a right, I will examine how Reaganism undermines education through budget cuts for domestic human services and resource programs, neofederalism, block grants, and expanded support for the military establishment. Finally, I will discuss economic growth, social and political development, and education—focusing upon education as an essential element in human capital development and in the preservation and enhancement of a democratic polity. The overarching thesis of this enterprise is that public support for human services and investment, particularly education, is an indispensable part of any realistic program for economic and social recovery.

⁵ U.S. Department of Health, Education and Welfare, Office of Education, *President's Commission on Foreign Languages and International Studies*, James A. Perkins, Chairman (Washington, D.C.: Government Printing Office, 1979).

“The trend in modern higher education to drop foreign language requirements will adversely affect the goal of a universal community. As Edmund Leach has said, ‘Mutual intelligibility is a fundamental necessity for any cohesive social group.’ Removing foreign language from university curricula undermines a potentially forceful movement toward a universal community, for the language barrier is one of the most [divisive] things in the world. Language is a medium of communication and expression. Many experiences can be shared only symbolically through languages, images, and ideas which evoke similar feelings and thoughts. It is most difficult for people to relate to one another when they cannot communicate. Duncan has gone so far as to posit that ‘disorder in society originates in disorder in communication.’”

Emmett S. Tollett, “Community and Higher Education,” *Daedalus* 104 (Winter 1975): 282.

⁶ United States, *Constitution*, Amendment IX.

II. The Right to Education

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

United States, *Constitution*,
Amendment IX

Rights are instrumental in the sense that they function as means to ends. When men claim as rights certain freedoms and protections, they do so because they are felt to be necessary to secure their integrity as human beings and to assure them the opportunity to exercise and develop their human capacities. Men assert as rights those conditions and benefits (such as freedom of expression and assembly, education, a minimum wage) that they deem indispensable to their well-being. Thus rights are rooted in the various needs and deprivations, the threats and insecurities, that weigh upon men: they designate the guarantees and the contributions that the individual requires if he is to realize his essential purposes and value.

Professor (Emeritus) Iredell Jenkins⁷
University of Alabama

There is little argument any longer about the right to educational opportunity.

President Robert M. Hutchins⁸
University of Chicago

⁷ Iredell Jenkins, *Social Order and the Limits of Law: A Theoretical Essay* (Princeton, New Jersey: Princeton University Press, 1980), p. 243. Professor Jenkins makes the following important philosophical observation about rights:

"Regarded substantively, rights are either legal or metalegal. They are either conceived and created by law, or they exist as aspects of reality prior to their legal announcement and are merely recognized by law. However sophisticated and exotic legal theory may become it must adopt one or the other of these substantive views."

Ibid., p. 242.

⁸ Robert M. Hutchins, *The Learning Society* (New York: Mentor Books, 1969), p. 14.

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Technically and legally, a right is a claim positively cognizable and enforceable by or in a state agency. Fifty states⁹ and the District of Columbia recognize a right to education through elementary and secondary schools and are obliged to provide public free education through the twelfth grade. However, education as a right is most questioned on the federal level.

*San Antonio School District v. Rodriguez*¹⁰ held that education was not a fundamental right. This means that state regulations or laws regarding public education are not subject to special scrutiny under the Equal Protection Clause in the Fourteenth Amendment

⁹ Mississippi undercut this right to avoid integration with disastrous consequences for the general wellbeing of its citizens. Art Harris, "Mississippi Gropes for a Way to Get Schools 'Off Bottom,'" *The Washington Post*, December 13, 1982, page 1.

"Governor William F. Winter ordered the legislature into special session here last week to ponder costly education reform at a time when businesses are closing, farmers are going belly up and unemployment stands at 12.4 percent. Federal cutbacks have hurt those who depend on government transfer payments, the largest revenue producer after manufacturing in America's poorest, least-educated state.

"Now, almost two decades after Mississippi all but abandoned its public schools to fight integration, its heritage of neglect has come back hauntingly in charts, graphs and reports that its scholarly, bespectacled governor has thrown at legislators to get them off their 'bottoms and get Mississippi off the bottom.'

"In unveiling his ambitious program of statewide public kindergartens, reading aides, increases in abysmally low teacher pay, an effective compulsory school attendance law and other reforms last week, Winter mourned high-technology industry lost to other Sun Belt states with better educated workers.

"Mississippi's 1981 high school class had the nation's highest dropout rate, 42 percent, compared to 10 percent nationwide. At least half of those over 18 have no high school education and, among adults over 25, the figure is higher. For every 100 students who finish high school, 59 drop out before graduating.

"Mississippi lags far behind the rest of the South, where the average dropout rate is 38 students for every 100 who finish, according to the Southern Growth Policies Board Task Force on Education. Outside the South, the ratio is 25 to 100."

Ibid.

¹⁰ *San Antonio School District v. Rodriguez*, 411 U.S. 1 (1973).

to the United States Constitution.¹¹ The decision maintains that education is a privilege of state, not national citizenship. Therefore, the states can regulate education so long as the regulations are rationally related to a legitimate state goal.

Justice Marshall argued in his *Rodriguez* dissent that the determination of the fundamentalness of an interest turned on "the extent to which constitutionally guaranteed rights are dependent on interests not mentioned in the Constitution." He continued:

As the nexus between the specific constitutional guarantee and the nonconstitutional interests draws closer, the nonconstitutional interest becomes more fundamental and the degree of judicial scrutiny applied when the interest is infringed on a discriminatory basis must be adjusted accordingly.

... the fundamental importance of education is amply indicated by the prior decisions of this Court by the unique status accorded public education by our society and by the close relationship between education and some of our most basic constitutional values. ... Education directly affects the ability of a child to exercise his First Amendment interests both as a source and as a receiver of information and ideas. ... Education may instill the interest and provide the tools necessary for political discourse and debate. Indeed, it has frequently been suggested that education is the dominant factor affecting political consciousness and participation.¹²

The June 15, 1982 United States Supreme Court decision in *Plyler v. Doe*¹³ followed the spirit of Justice Marshall's *Rodriguez* dissent. The Court held that a Texas statute violated the Fourteenth

¹¹ 411 U.S. at 35-40. Justice Powell in delivering the opinion of the Court disagreed with the district court which found that wealth was a "suspect" classification and that education is a "fundamental" right. Powell could not find any basis for saying that education is among the rights afforded implicit or explicit protection by the Federal Constitution.

¹² 411 U.S. at 102-103, 111, 112, 113. In a sixty-three page dissent, Justice Marshall effectively and systematically explains why the right to education is a fundamental right which is protected by the U.S. Constitution.

¹³ *Plyler v. Doe*, 102 S. Ct. 2382 (1982).

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Amendment's Equal Protection Clause by withholding from local school districts state funds to educate children who were not "legally admitted" into the United States and by authorizing local school districts to deny enrollment to such children. Justice Brennan delivered the majority opinion in which Justices Marshall, Blackmun, Powell, and Stevens joined.¹⁴ Chief Justice Burger filed a dissenting opinion¹⁵ in which Justices White, Rehnquist, and O'Connor joined. The Court did not treat undocumented resident aliens as a "suspect class" and education as a "fundamental right." It treated the statute as imposing a lifetime hardship on a discrete class of children not responsible for their disabling status. Therefore, the Court decided that the statute's discriminatory classification must further a "substantial" state goal to be "rational." The Court decided that the Texas statute did not meet this test.

The majority of the Court clearly recognized the importance and value of education. Justice Brennan said the denial of education imposed "a lifetime hardship." Justice Marshall wrote of "the fundamental importance of education" and its close connection to "some of our most basic constitutional values." And Justice Powell, one of the conservative members of the court, thought that denial of education to children "singled [them] out for a lifelong penalty and stigma."

Justice Marshall in a brief concurring opinion stated:

While I join the Court opinion, I do so without in any way retreating from my opinion in *San Antonio School District v. Rodriguez* . . . (Marshall, J., dissenting). I continue to believe that an individual's interest in education is fundamental, and that this view is amply supported "by the unique status accorded public education by our society, and by the close relationship between education and some of our most basic constitutional values."¹⁶

¹⁴ 102 S. Ct. at 2391.

¹⁵ Chief Justice Burger, in writing the dissenting opinion, accused the majority of abusing the Fourteenth Amendment "in an effort to become an omnipotent and omniscient problem solver." 102 S. Ct. at 2408 (Burger, C.J., dissenting).

¹⁶ *Id.* at 2402 (Marshall, J., concurring).

Justice Blackmun in his concurring opinion noted that "the right to vote, *per se*, is not a constitutionally protected right," yet electoral regulations receive unusual scrutiny because "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights." It follows, he argued, that education should be regarded in the same or at least a similar way. He then continued:

Children denied an education are placed at a permanent and insurmountable competitive disadvantage, for an uneducated child is denied even the opportunity to achieve. And when those children are members of an identifiable group, that group—through the State's action—will have been converted into a discrete underclass. Other benefits provided by the State, such as housing and public assistance, are of course important: to an individual in immediate need, they may be more desirable than the right to be educated. But classifications involving the complete denial of education are in a sense unique, for they strike at the heart of equal protection values by involving the State in the creation of permanent class distinctions. Cf. *Rodriguez*, 411 U.S., at 115, n. 74 (Marshall, J., dissenting). In a sense, then, denial of an education is the analogue of denial of the right to vote; the former relegates the individual to second-class social status; the latter places him at a permanent political disadvantage.¹⁷

Justice Powell argued that denying children of illegal aliens an opportunity for education "singled [them] out for a lifelong penalty and stigma." He continued:

In my view, the State's denial of education to these children bears no substantial relation to any substantial state interest. . . . One need not go so far to conclude that the exclusion of appellee's class of children from state provided education is a type of punitive discrimination based on status that is impermissible under the Equal Protection Clause.

. . . But it hardly can be argued rationally that anyone benefits from the creation within our borders of a subclass of illiterate persons many of whom will remain in the State, adding to the problems and

¹⁷ *Id.* at 2402 (Blackmun, J., concurring).

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costs of both State and National governments attendant upon unemployment, welfare and crime.¹⁸

The views of the majority in *Plyler* constitute an argument supporting education as a right retained by the people through the Ninth Amendment. Justice Goldberg in his concurring opinion in *Griswold v. Connecticut*¹⁹ (which found a penumbral right of privacy in the Bill of Rights, although it was not explicitly stated) concluded that the concept of liberty:

... embraces the right of marital privacy though that right is not mentioned explicitly in the Constitution [and] is supported both by numerous decisions [and] by the language and history of the Ninth Amendment [which] reveal that the Framers of the Constitution believed that there are additional fundamental rights, protected from governmental infringement. ... The Ninth Amendment [was] proffered to quiet expressed fears that a bill of specifically enumerated rights could not be sufficiently broad to cover all essential rights and that the specific mention of certain rights would be interpreted as a denial that others were protected. ...

While this Court has had little occasion to interpret the Ninth Amendment, "[i]t cannot be presumed that any clause in the constitution is intended to be without effect."

... To hold that a right so basic and fundamental and so deep-rooted in our society as the right of privacy in marriage may be infringed because that right is not guaranteed in so many words by the first eight amendments to the Constitution is to ignore the Ninth Amendment and to give it no effect whatsoever.

... the Ninth Amendment shows a belief of the Constitution's authors that fundamental rights exist that are not expressly enumerated in the first eight amendments and an intent that the list of rights included there not be deemed exhaustive.²⁰

¹⁸ *Id.* at 2407-08 (Powell, J., concurring).

¹⁹ *Griswold v. Connecticut*, 381 U.S. 479 (1965).

²⁰ 381 U.S. at 486-99 (Goldberg, J., concurring).

Does not the right to an education approach in importance the right of privacy in marriage? If any Constitutional provision permits the evolution of content meaning, it should be the Ninth Amendment which by its terms is open ended or "open textured."²¹

The fundamental value and importance of education will be further elucidated when it is discussed with human capital and the preservation of a democratic polity. Indeed, the remainder of this Paper will show that education is of central importance, thus reinforcing and corroborating the contention that it is a right. Sadly and ironically, analysis will show how President Reagan's proposals on education and other human services are fatuous and counterproductive, if not mischievous, in light of his plea for a "new beginning," a progressively dynamic economy, and a formidably strong military. Reaganism in this regard is consistent with the neoconser-

Sadly and ironically, analysis will show how President Reagan's proposals on education and other human services are fatuous and counterproductive, if not mischievous, in light of his plea for a "new beginning," a progressively dynamic economy, and a formidably strong military.

vative notion that government can accomplish more by doing less, except for education. Reaganism is moving toward the policy that the Federal Government can help education by doing very little

²¹ Ronald Dworkin, *Taking Rights Seriously*, (Cambridge: Harvard University Press, 1978), pp. 22-23.

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and, in regard to the states, by doing practically nothing.²² Of course, President Reagan would argue that the states, parents, and the private sector should bear virtually the whole responsibility for education, particularly K-12.

²² T.H. Bell, "The Federal Role in Education," *Harvard Educational Review* 52 (November 1982): 375-380.

"But ultimately federal financial assistance ought to be so successful in enhancing the capacity of those whose proper responsibility it is to meet these needs, that we can terminate federal financing and move on to other areas where there are nationwide deficiencies."

Ibid. p. 377. But see Kenneth S. Tollett, "The Propriety of the Federal Role in Expanding Equal Educational Opportunity," *Harvard Educational Review* 52 (November 1982): 443.

III. Reaganism: Reducing Investments in Human Resources and Social Services and Increasing Military Outlays

Reaganomics is not simply an economic doctrine embodying supply-side economics and strict monetarism. It is a philosophy and a process of government, and it is in those areas that it departs most radically from our experience in the last 50 years.

The Reagan philosophy construes government to be the source of most evils, virtue is reserved for the theoretical free marketplace. Since such a philosophy does not believe in government, it has no process with which to govern. The incoherence of the program combined with the absence of a means to carry it out aggravates rather than diminishes many of our more serious difficulties.

—Felix G. Rohatyn²³

Investment Banker and Chairman
of the Municipal Assistance Corporation (MAC)
of New York City

The United States of America began the last score of the Twentieth Century by reacting negatively to much of the economic, political and social reforms that had been wrought by the previous thirty years and embracing paranoically martial imperatives that emerged two scores earlier. This means that the governmental interventionism and humanism emanating from the Civil Rights Movement, which received great impetus from the *School Desegregation* decision in 1954, is being undermined by an understandable, but over, reaction to the proliferation and universalization rights to which the Movement gave rise. The understandable reaction should not require a reduction of investment in human resources and social services, but a finer tuning of governmental programs to human and social needs. Military preparedness is necessary to deter superpower aggression, but it cannot be pursued with safety unless some

²³ Felix G. Rohatyn, "Alternatives to Reaganomics," *The New York Times Magazine*, December 5, 1982, pp. 72, 73.

minimal powers of rationality and reason are ascribed to those to be deterred.

Military preparedness is necessary to deter super-power aggression, but it cannot be pursued with sanity unless some minimal powers of rationality and reason are ascribed to those to be deterred.

In this section there will be a brief discussion of the changed mood of the country which resulted in the election of President Reagan and a review of the political, economic, and social policies he stands for, particularly those related to education. It will be seen that the National Administration is pursuing a public policy of reduction of investments in human resources and social services while increasing outlays for the military establishment.

A. The Changed Mood: A Brief History Since the Second World War

In December 1946 President Harry S. Truman appointed the President's Committee on Civil Rights, headed by Charles E. Wilson, a high corporate official. The Committee held public hearings, researched, and in 1947 released the report, *To Secure These Rights*. *To Secure These Rights: The Report of the President's Committee on Civil Rights* (1947) was a preliminary statement of this nation's need to recommit itself to honoring the promises of the post-Civil War Reconstruction Amendments. It focused on the most significant areas of racial discrimination and recommended securing Blacks' right to vote, to be free of police brutality, and to a decent education.

Paradoxically, although the United States Supreme Court played a major role in displacing or deflecting the forward momentum of the First Reconstruction,²⁴ it provided tremendous impetus for the

²⁴ Kenneth S. Tollef, *Black Colleges As Instruments of Affirmative Action* (Washington, D.C.: Institute for the Study of Educational Policy, Howard University, 1982), p. 10.

initiation of the Second Reconstruction when *Brown v. Board of Education*²⁵ in 1954 overturned, in effect, the separate-but-equal doctrine. Thus, the Court maintained the initial thrust of the *To Secure These Rights* report and provided considerable additional impetus for and, maybe, even initiated the "egalitarian revolution" which began shortly after the *Brown* case.

After Rosa Parks refused to give her seat to a white passenger riding a bus in Montgomery, Alabama on December 1, 1955, Reverend Martin Luther King, Jr., organized a bus boycott. This resulted in a series of protest marches, demonstrations, freedom rides and sit-ins across the South protesting Jim Crowism and the vestiges of slavery.

Drs. Mary Berry and John Blassingame in their *Long Memory* state:

After the *Brown* decision several states adopted the policy of interposition, white citizens' councils were organized and supported by state appropriations, Alabama paid a psychologist to "prove" that blacks had a lower IQ than whites, and in 1956 a Southern Manifesto urging resistance to integration was signed by nineteen Senators and eighty-one Representatives.²⁶

The wavering and lukewarm support of the Eisenhower Administration for civil rights modulated the momentum of the movement.

In 1957, increasing mob violence developed around the attempt of nine Black children to integrate Central High School in Little Rock, Arkansas. President Eisenhower refused to support the Supreme Court and the order to desegregate even when he was warned that his refusal to do so encouraged those groups planning

²⁵ *Brown v. Board of Education*, 347 U.S. 483 (1954). *Brown* struck down all state laws permitting or requiring segregation of white and Black children in public schools.

²⁶ Mary F. Berry and John W. Blassingame, *Long Memory: The Black Experience in America* (New York: Oxford University Press, 1982), p. 281.

massive and violent resistance.²⁷ Much of the focus (for Southerners at least) revolved around the old battle between nationalism and federalism or States' rights. All eyes were on Little Rock, Arkansas, where the nine students were determined to attend Central High.

In 1957, probably in part reaction to the Little Rock situation Eisenhower proposed the first civil rights bill²⁸ enacted since 1875. The bill authorized the federal government to initiate legal suits to protect citizens' rights to vote. Nevertheless, there was a movement from legal action to direct action which culminated in the 1964 Civil Rights Act.²⁹ The 1964 Act was the most comprehensive and detailed assault upon the denial of civil rights since the Reconstruction Civil Rights Acts following the Civil War. The 1964 Civil Rights Act was a part of and a climax to the New Frontier of President Kennedy and the Great Society of President Lyndon Johnson.

In the early phases of this Second Reconstruction individual rights were important. The critical issue was to extend to Blacks the same individual rights whites were enjoying. Still, it took group action to galvanize the conscience of the United States to treat Blacks with the dignity and respect the Constitution promised. The direct action activities of Martin L. King, Jr., made this clear. Yet, the Vietnam War had escalated. President Johnson attempted to provide both guns for the war and butter for the Great Society without raising taxes.

President Johnson's antinomian action planted seeds for the viru-

²⁷ Harry Ashmore quotes Martin Luther King: "'The office of the President was appallingly silent, though just an occasional word from this powerful source, counseling the nation on the moral aspects of integration and the need for complying with the law, might have saved the South from its present confusion and terror.'" Harry Ashmore, *Hearts and Minds: The Anatomy of Racism From Roosevelt to Reagan* (New York: McGraw-Hill, 1982), p. 250.

²⁸ Civil Rights Act of 1957, 71 Stat. 634 (codified at 42 U.S.C. §§ 1971, 1975-1975e 1925 (1976)).

²⁹ Civil Rights Act of 1964, 78 Stat. 241 (codified at 42 U.S.C. §§ 1971, 1975a-1975e, 2000a-2000a-b (1976)).

lent growth of inflation. His action also stimulated and provoked massive demonstrations and the deflection of the nation's attention from the commendable Great Society efforts to the understandable agitation to stop an increasingly unpopular war in Southeast Asia. By 1968 significant forces were seeking to thwart and sidetrack the forward movement of the Second Reconstruction or the mid-Twentieth Century Civil Rights Movement.

The riots and social disturbances in Watts, Detroit, Newark, Washington, D.C., and other metropolitan areas stimulated law and order rhetoric and a counter-revolutionary backlash resulting in the election of President Richard M. Nixon. The counter-revolutionary backlash lost some of its momentum because of Watergate, the resignation of President Nixon and President Jimmy Carter's election in 1976 with decisively overwhelming Black support. These developments revived interest in the Civil Rights Movement and put many Blacks in high federal executive and judicial positions.³⁰ Unfortunately, Carter's vacillating leadership and crypto-conservatism³¹ and the Iranian seizure of hostages at the American Embassy in Tehran reactivated the backlash. Governor Ronald Reagan defeated President Carter in 1980 in a campaign that emphasized an anti-government and neo-conservative rhetoric reminiscent of President Calvin Coolidge's pietism and somnolent federal government of the mid-twenties.³²

³⁰ Berry and Blassingame, *Long Memory*, p. 188; Theodore H. White, *America in Search of Itself* (New York: Harper & Monroe, 1982), p. 217.

³¹ Kenneth S. Tollett, "Certification, Articulation, and Caste," in *Educating for Careers: Policy Issues in a Time of Change*, ed. Thomas F. Powers (University Park, Pennsylvania State University Press, 1977), p. 65.

"The torchbearers of this neo-conservatism today campaign against government and power . . . [they] run for office in Washington by campaigning against Washington; they pursue the most powerful offices in the world while denouncing 'big government.'"

Ibid. The above was written in May 1976 about Governor Jimmy Carter's presidential primary campaign.

³² Ronald Reagan is an admirer of Calvin Coolidge. Kevin P. Phillips, *Post-Conservative America: People, Politics, and Ideology in a Time of Crisis* (New York: Random House, 1982), pp. 4, 9-12, 133.

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Thus, the effort that began in 1946 to secure civil rights was operating in a society whose mood had changed from public interventionism to eradicate poverty and secure justice for Blacks to public disenchantment with government-inspired efforts to reform society. The disenchantment set the stage for Governor Reagan's election.

B. Overview of Reaganism

The election of President Ronald W. Reagan meant that the country may have been tired of trying to do good and was now hopefully ready to try what Reagan confidently stood for, that is, Reaganism and Reaganomics. Reaganism connotes the political, social, and economic philosophy or ideology the President stands for. Reaganomics, of course, stands for the economic philosophy or ideology of the President. It means supply-side economics, that is, operationally trickle down economics or tax cuts that help the rich and ignore the poor. The intent of Reaganism was to get the federal government off the people's backs through deregulation and returning power to the states. These same states, particularly in the south, have consistently resisted sedulously doing justice for Blacks and generally providing social welfare programs for the disadvantaged and needy.

A major component of getting the government off the people's backs was neofederalism or States' rights. Another important part of Reaganomics was "monetarism"—restricting the money supply to control inflation resulting in the greatest recession and unemployment since the Great Depression.³³ Two additional important

³³ President Reagan cannot be blamed entirely for the deflationary outcome of the monetarism practiced by the Federal Reserve Board. Kenneth S. Tollett, "Director's Corner: Surviving to Reap The Long Term 'Benefits' of Reaganism?", *ISEP Monitor* 5 (December 1981): 1, 3.

However, I emphatically agree with former Senator McGovern's value position on inflation:

"I agree with those who accept the responsibility of government to protect its citizens from extreme deprivation and who remain unreconciled to recession as the only reliable cure for inflation."

George McGovern, "Unprofitable War: Debasing the currency with arms,"

components of Reaganism were the expansion of the military budget and support for the Moral Majority's anti-busing position for public school desegregation, preaching for prayer in the public schools, and moralizing against abortions. The anti-busing component of Reaganism is its most explicitly anti-Civil Rights aspect although implicitly, symbolically, and politically, neo-federalism expresses and promotes the most anti-civil rights attitudes and actions.

In summary, Reaganism de-emphasizes investing in human resources and promoting human rights while, in effect, emphasizing military outlays and tax breaks for the rich, having babies for women, and saying prayer in the public schools for poor and middle America. Reaganism also would undermine the public schools indirectly by providing tax credits for parents who send

Harper's, October 1980, p. 35. Bluestone and Harrison have reported Brenner's findings on the devastating impact of unemployment.

"Using national data for the period 1940-73, Brenner found that unemployment plays a statistically significant role in affecting several forms of 'social trauma.' In particular, he concludes that a 1 percent increase in the aggregate unemployment rate sustained over a period of six years has been associated with approximately:

- 37,000 total deaths (including 20,000 cardiovascular deaths)
- 920 suicides
- 650 homicides
- 500 deaths from cirrhosis of the liver
- 4,000 state mental hospital admissions
- 3,300 state prison admissions

"These results, of course, do not directly address the question of unemployment caused by deindustrialization *per se*. But it is likely that permanent layoffs cause even more 'social trauma' than unemployment arising from other causes. For example, in the aftermath of the Federal Mogul Corporation closing of its roller-bearing plant in Detroit, eight of the nearly 2,000 affected workers took their own lives. This macabre statistic is unfortunately not unusual. In their study of displaced workers, Cobb and Kasl found a suicide rate 'thirty times the expected number.'"

Barry Bluestone and Bennett Harrison, *The Deindustrialization of America: Plant Closings, Community Abandonment, and the Dismantling of Basic Industry* (New York: Basic Books, Inc., 1982), p. 65.

their children to private elementary and secondary schools. Moreover, it would directly undermine education by reducing federal support.

In summary, Reaganism de-emphasizes investing in human resources and promoting human rights while, in effect, emphasizing military outlays and tax breaks for the rich, having babies for women, and saying prayer in the public schools for poor and middle America. Reaganism also would undermine the public schools indirectly by providing tax credits for parents who send their children to private elementary and secondary schools. Moreover, it would directly undermine education by reducing federal support.

1. Large Budget Cuts for Human Resources and Services. A curious principle of radical liberalism¹⁴ is that government can accomplish more by doing less. This theory asserts that public and social interventionism is misguided and impracticable because social and public reform is subject to intractable forces, unforeseeable developments, and unintended consequences. The practical wisdom and principle of Reaganism require cutting the federal budget for human resources and services.

Reagan's budget for Fiscal Year (FY) 1982 called for a \$32 to \$35 billion reduction in federal spending projected under prior policies. Domestic budget cuts in FY 1982 were \$32 billion and should be \$55 billion by FY 1986. The budget cuts and their impact upon education will be discussed in the next major subdivision.

¹⁴Kenneth S. Tollett, "'Radical Liberalism' Is a Backlash Against the Poor," *Center Magazine*, March/April 1979, p. 64.

2. *Reduced Federal Influence.* In addition to the probable, if not inevitable, reduction in federal influence accompanying federal domestic budget cuts, Reaganism requires that federal influence be reduced in two other ways: neo-federalism (returning power to the states) and deregulation.³⁵ A major mechanism for returning power to the states is block grants by which various domestic programs are consolidated and the funds distributed among the states to parcel out according to their priorities.³⁶

Reaganism attempts deregulation by withdrawing and revising proposed and existing regulations, critically expanding White House oversight over the regulatory process, severely cutting budget and personnel of regulatory enforcement agencies, relaxing federal enforcement efforts, eliminating rules that constrain state and local government actions, and appointing administrative officials who are sympathetic to deregulation.³⁷

3. *Reaganomics.* The Economic Recovery Tax Act (ERTA) of 1981 "gave the largest tax cut in the nation's history."³⁸ The federal government's cumulative revenue loss is estimated to be "\$300 billion by the end of 1984 and over \$1 trillion by the end of 1987."³⁹ Tax liability will be cut 25% over a three year period: 5% in 1981, 10% in 1982, and 10% in 1983. The wealthy, representing only 5% of the tax paying public, will receive 35% of the cuts.⁴⁰

The Reagan Administration has given considerable support to the Federal Reserve Board's current "monetarism" policy that has limited the growth of the money supply to reduce inflation. What-

³⁵ Kenneth S. Tollett and Doris James, "Neo-federalism: Taking Liberties With The Constitution," *ISEP Monitor* 5 (December 1981): 13.

³⁶ Doris James, "Block Grants in Review," *ISEP Monitor* 5 (December 1981): 24.

³⁷ John L. Palmer and Isabel V. Sawhill, eds., *The Reagan Experiment* (Washington, D.C.: Urban Institute Press, 1982), p. 9.

³⁸ *Ibid.*, p. 8.

³⁹ *Ibid.*, p. 8.

⁴⁰ Mark Green, "Reagan is Plenty Conservative," *Washington Post*, 29 August 1982, sec. C, p. 7.

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ever the long term benefits of living in a non-inflationary world may be, the short-term costs are estimated to be \$1.2 trillion "in lost output and income over a period of perhaps 5 to 10 years (the equivalent of \$15,000 per household)."⁴¹

4. *Militarism.* Military expenditures for Reagan's defense build-up nearly cancel the budgetary impact of the domestic program cuts. Reaganism increases the budget while reducing tax revenue, thus creating the largest deficits in peace time. Reagan has proposed annual military spending increases of \$30 to \$40 billion. Thus, "the \$45 billion increase in defense spending during 1981 and 1982 virtually cancelled the reduction in non-defense spending of \$46 billion."⁴² Doug Bandow, formerly a Special Assistant to President Reagan for Policy Development, states:

[President Reagan] believes that throwing money at defense problems will solve them, and that military bureaucrats have only the "public interest" at stake.

The administration is burying the military in money despite, in Stockman's words, the "Swamp" of waste and the expensive and debilitating interservice rivalries. Reagan is increasing real defense spending by 8 percent a year and even though, as former CEA chairman Weidenbaum noted, "these crash efforts rarely increase national security," and they impose a very real cost on the rest of the economy.⁴³

⁴¹ Palmer and Sawhill, *Reagan*, p. 5.

⁴² Doug Bandow, "The Collapse of the Reagan Revolution," *Inquiry*, November 1982, p. 16.

⁴³ *Ibid.*, p. 19. The detrimental impact upon society and the economy of excessive military expenditures is hard to overemphasize. Although Senator McGovern may not have fully spelled out the technological and other economic and social benefits of military expenditures, he certainly spelt out well their detriments:

"There is a significant qualitative or functional difference between the consequences of productive capabilities channeled into the military or into the civilian economy. In the civilian economy all goods and services are useful for either consumption or investment: they either contribute directly to our standard of living in the form of, say, food, clothing, medical services, or recreation, or

Thus, President Reagan perverts the protestant ethic. He seeks peace by working harder at war preparation⁴⁴ while reducing the federal government's moral and fiscal support for education.

they are used to stimulate production in such areas as industrial machinery or job-training programs. Military products, on the other hand, although militarily or politically useful, have no other economic value; weapons are neither consumed nor do they have any investment value. Although they produce jobs and generate income, they are a steady, heavy drain on the economy. In addition, military production contributes to inflation by channeling money in the form of wages into the economy without producing goods and services that can be bought with these funds; military production generates demand but not supply.

"Inflation is also aggravated by the way in which weapons and related equipment are purchased: the single customer, the federal government, commits itself to pay actual production costs plus a margin of profit, thus freeing producers from normal competitive pressure to keep costs down and encouraging producers to increase costs so as to increase revenue; this is one reason why military contracts commonly exceed their original cost estimates.

"Perhaps the most significant economic consequence of three decades of heavy military spending has been its contribution to the erosion of productivity."

McGovern, "Debasing the currency with arms," p. 39.

⁴⁴ After reviewing the facts of the United States' three-pronged strategic military strength in land-based missiles, submarine-launched missiles, and intercontinental bombers and comparing it with Russia's principal reliance upon ICBM's (79%), significant reliance on submarines (20%), and minimal reliance upon aircraft (1%), Nobel Laureate physicist Hans Bethe and Professor Kurt Gottfried observe:

"For two decades, we were immune to Soviet nuclear attack while the Russians lay at our mercy. Did that vulnerability deter them from blockading Berlin, absorbing Czechoslovakia, crushing the revolt in Hungary? On the contrary, it impelled them to a dangerous attempt to place missiles in Cuba in a futile effort to gain some semblance of a deterrent. It imbued them with the determination to build a credible nuclear force, whatever the cost. And only when they reached that goal did they begin to negotiate seriously, as exemplified by SALT.

"The 'window of vulnerability' to a Soviet first strike does not exist. In reality, the security of all inhabitants of the Northern Hemisphere is eroding because of the irresponsible policies of both superpowers. While millions of ordinary citizens have come to recognize that security is not measured in megatons, those in positions of power, continue to act as if nuclear weapons were spears or shotguns."

Bethe and Gottfried, "Assessing Reagan's Doomsday Scenario," *The New York Times*, April 11, 1982, p. E 17.

Thus, President Reagan perverts the protestant ethic. He seeks peace by working harder at war preparation while reducing the federal government's moral and fiscal support for education.

C. Reduction of Education Budget

Although Reaganism calls for the expansion of the military budget, it proposes the reduction of the federal government's contribution to education. Table 1 and Figure 1 provide data which clearly indicate President Reagan's low priority for the Department of Education. He requested in FY 1982 15.7 percent less than Congress appropriated in FY 1981; in FY 1983, 32.9 percent less than Congress appropriated in FY 1982. Congress appropriated in FY 1983 52.7 percent more than President Reagan requested. He has recommended the dissolution of the Department of Education. He would replace it with a foundation. Reagan's notions of neo-federalism and getting the government off the people's backs are really grounded in the *nostalgic notion* that the federal government has a *de minimus* role, if a role at all, in education.⁴⁵

⁴⁵Phillips in his *Post-Conservative America* emphasizes the nostalgic conservatism of President Reagan and many of his followers. Early in his book he states:

"The nostalgia of the 1980s is even bolder.

"The trouble is, the early 1980's attempt to bring back elements of Mellon's theories of taxation, William Jennings Bryan's views on evolution, and Coolidge's preferences on business regulation amounts to a leap *past* conservatism. Bluntly put, we may live in a time in which conservatism cannot conserve, and so must reach back for *lost* truths and practices. The greater the problems and popular frustration, the further back the politicians try to reach, and the greater the risk."

Phillips, *Post Conservative America*, p. 3.

Table 1: Total Department of Education Budget
(billions)

Year	Appropriation		President's Request ^b		Percent Difference Appropriation and President's Request
	Amount	Percent Change	Amount	Percent Change	
1979	13.69	—	11.60	—	18.0
1980	14.17	3.5 ^a	12.25	5.6	15.7
1981	14.93	5.4	15.11	23.3 ^c	-1.2 ^d
1982	14.75	-1.2	12.59	16.7	17.2
1983	15.10	2.4	9.89	-21.4	52.7

^a This can be interpreted as follows: The amount appropriated in 1980 was 3.5% higher than the amount appropriated in 1979.

^b The amounts for 1979 and 1980 represent Carter's request and for 1981 to 1983 Reagan's request.

^c This can be interpreted as follows: The president's request for 1981 was 23.3% higher than the request for 1980.

^d This can be interpreted as follows: The 1981 appropriation was 1.2% less than the 1981 president's request.

Source: *Higher Education Daily*, 24 January 1978, 24 July 1979, 27 August 1980, 18 May and 28 October 1981 and 25 October 1982; and *Chronicle of Higher Education*, 15 December 1982. ISEP Staff Calculations.

This is doubly sad because although the role of the federal government in education is small, it is critically important, especially for expanding equality of educational opportunity. After reviewing the history of the role of the federal government in the educational arena, I concluded the following:

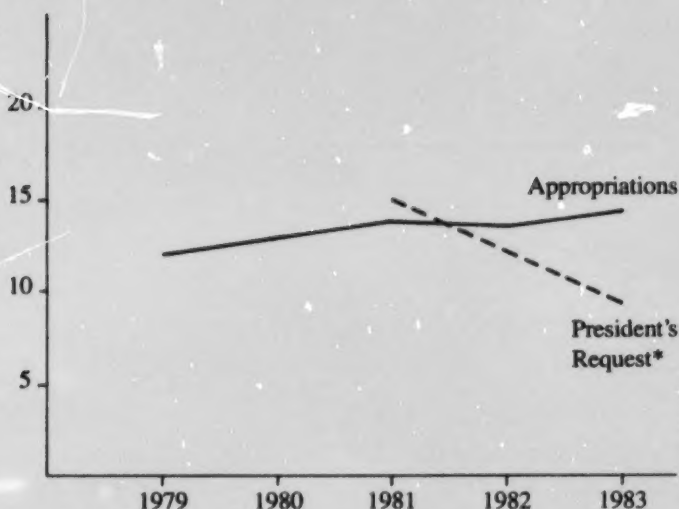
The common defense, commercial well-being, and the general welfare have required the U.S. government to play an expanding role in providing educational opportunity. The Reconstruction amendments in the last century and the civil rights movement in this century obligated and committed the federal government to ensure that educational opportunity would be offered and received in conformity with the principle of equality. The neo-conservative notion that government can accomplish more by doing less, the neo-federalist notion that a "new beginning" requires returning to

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the old Articles of Confederation, and the supply-side laissez-faire economic notion that demands *minimalistically* "in good supplies we trust," are all contrary to my whole-hearted belief that the federal government must recommit and reinforce its role in increasing equality of educational opportunity.⁴⁴

Public policy and constitutional law analysts have in the past mistakenly concluded that, at most, the federal government had only a marginal or very special role in education. Some of these

Figure 1: Total Department of Education Budget



*1981 Carter's Request; 1982-83 Reagan's Request.
Source: Derived from table 1.

⁴⁴Tollett, "Federal Role," p. 443.

analysts posit that government has no right or authority to operate in the area at all because education falls within the purview of the "police powers" reserved to the states in the Tenth Amendment. The Hegelian principle that what "is" is "right"⁴⁷ leads many to think that the federal government has only a marginal role in education. This is because the federal government had so little to do with education during the first 73 years of the Republic and only irregular involvements since.⁴⁸ Yet, the Morrill Act of 1862⁴⁹ may be the United States' unique contribution to the development of higher education in the world. It emphasized and added public service as an important function of higher education (teaching, research, and public service).

Whatever the proper role and function of the federal government in the educational arena before the Civil War, the adoption of the Reconstruction Amendments (Thirteenth, Fourteenth, and Fifteenth Amendments) reposed in the national government the responsibility to secure, protect and nourish the principle of equality just as the Bill of Rights championed the idea of liberty and individual integrity. *The federal government's initial major involvement in education took place in an era of the destruction of slavery, the preservation of the Union, and the promotion of equality.*

Thus, it is especially sad that Reaganism supports states' rights or neo-federalism, a principle or political ideology associated with slavery, attempted dissolution of the Union, and racial discrimination. This makes Reaganism inevitably an assault upon, indeed, a counter to the "egalitarian revolution" initiated by the *Brown v. Board of Education* School Desegregation decision. The sadness is compounded because, concededly, the role of the federal government may be comparatively small in education, but it is extremely important for the principle of equality.⁵⁰

⁴⁷Pierre Hassner, "George W. F. Hegel," trans. Allan Bloom in *History of Political Philosophy*, eds. Leo Strauss and Joseph Cropsey (Chicago: University of Chicago Press, 1972), p. 686.

⁴⁸Tollett, "Federal Role."

⁴⁹Morrill Act 1862, 12 Stat. 503 (codified at 7 U.S.C. §§ 301, 305, 307 (1976)).

⁵⁰Tollett, "Federal Role."

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The federal government contributes only a little more than 10% of the over-all educational expenditures in the United States. State and local governments contribute about 32% each. Private sources contribute the remaining 25%. Elementary and secondary private school enrollment and resources have risen to about 11% in the last decade. Enrollment and resources at private higher education or postsecondary institutions have declined respectively from about 50% in 1950 to about 22% and from 50% to about 30%.

What makes the Reagan proposals even more disturbing is that much of the 11% contribution to education by the United States is represented in two sources. The first is Title I in the Elementary and Secondary Education Act of 1965, which funds compensatory education for the poor and educationally disadvantaged. The second is Title IV of the Higher Education Act of 1965, which funds student aid primarily for the poor until the Middle Income Student Assistance Act of 1978 uncapped Guaranteed Student Loan funds and almost wrecked the federal financial student assistance program. Clearly, a major purpose of both of these education acts was to subsidize or assist the poor and needy in our society.

1. Elementary, Secondary, and Vocational Education. Drs. June A. O'Neill and Margaret C. Simms have written the following about the federal role in elementary and secondary education:

Federal funding as a percentage of total elementary and secondary school revenues has increased from 2.9 percent in 1949-1950 to 4.6 percent in 1959-1960 and 9.8 percent in 1980-1981. Federal mandates for state and local provision of special services have also increased, giving the federal government an influence over education that exceeds the proportion of funds provided.⁵¹

The authors also indicate that the Vocational Education Act of 1963 included provisions which targeted funds for disadvantaged groups. Moreover, later funding during the 1970s provided resources for districts undergoing desegregation and mandated assistance for the handicapped. Thus, Reagan's assault on the Ele-

⁵¹Sawhill and Palmer, *Reagan*, p. 331.

mentary and Secondary Education Act is literally an attack on the federal role in assisting handicapped and disadvantaged children and school districts undergoing desegregation.

The FY 1981 federal budgetary outlays for elementary, secondary, and vocational education were \$7.043 billion. The Reagan Administration requested less than \$5.6 billion for FY 1982—33 percent less than the FY 1981 level. However, Congress authorized one-half billion dollars more than Reagan requested. For FY 1983, the Reagan Administration requested budget authority for \$4.4 billion for elementary and secondary education. This is \$2 billion less than the "level" which prevailed after the FY 1982 budget cuts.⁵²

Table 2 and Figure 2 make graphically clear what President Reagan has requested and what Congress has authorized and appropriated for elementary, secondary, and vocational education. (Federal outlays for a fiscal year may exceed appropriations because many federal educational programs not only are forward funded, but also may have unexpended funds of a prior fiscal year carried over into and spent in the next year.) President Reagan requested about 36 percent less funds for the program for disadvantaged students than Congress appropriated.

At the same time the Reagan Administration is proposing significant reduction in federal support for elementary and secondary education, it is proposing a program to increase federal support for private education *via* tax credits.⁵³ Apart from being a tax expenditure or revenue loss, this shift in policy perspective has no precedent in American history. Thus, the *nostalgia* here represents returning to a period before most of the states had a public educational system.

Chapter Two of the Education Consolidation and Improvement Act of 1981 covers educational block grants. This provision not only represents a reduction of funds (see Table 2 and Figure 2) to

⁵²Ibid., pp. 331-344.

⁵³Editorial Research Reports, *Education in America*, p. 3.

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Table 2: Federal Budget for Elementary, Secondary and Vocational Education
(billions)

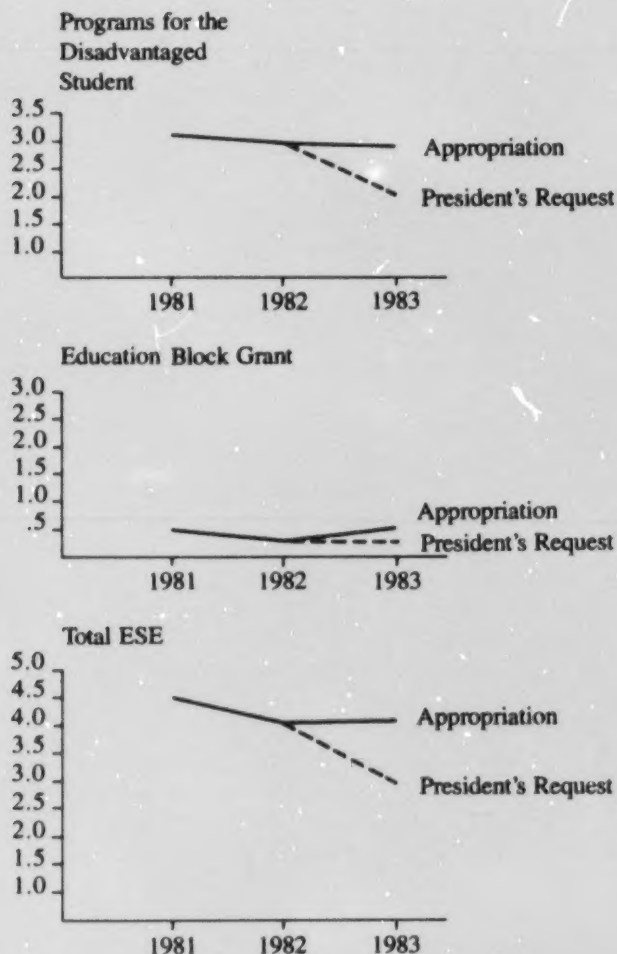
Subject/Year	1981	1982	Percent Difference 1981-1982	1983 Continuing Resolution (CR)	Percent Difference 1982 - 1983 CR	1983 President's Request (PR)	Percent Difference 1983 PR - 1983 CR
Elementary and Secondary Education							
Programs for the Disadvantaged Student	3.10	3.03	- 2.3	3.03	0	1.94	- 36.0
Education Block Grant	.51	.46	- 9.8	.46	0	.41	-10.9
Secretary Discretionary Fund	.03	.03	0	.03	0	.03	0
Other Programs	.08	.05	-37.5	.05	0	.001	-98.0
Maintenance/ Operations	.71	.43	-39.4	.43	0	.28	-34.9
Impact Aid	.76	.46	-39.4	.46	0	.29	-37.0
Total ESE	4.56	4.10	-10.1	4.10	0	2.71	-33.9
Vocational Education	.68	.66	- 2.9	.66	0	+	—

+ President Reagan proposed a \$500-million program of State block grants for adult and vocational education.

Source: *Higher Education Daily*, 25 October 1982; *Chronicle of Higher Education*, 15 December 1982. ISEP Staff Calculations

be shared among the states for the elementary and secondary education programs subsumed under it, but also the first major step toward disengaging the federal government from elementary and secondary education.

Figure 2: Federal Budget for Elementary, Secondary and Vocational Education



Source: Derived from table 1.

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After a very careful and meticulous review of the Reagan proposals regarding elementary, secondary, and vocational education, Drs. O'Neill and Simms conclude:

The Reagan Administration has proposed stringent cutbacks in federal funding for public elementary and secondary education. If they are fully implemented FY 1984 funding would be approximately one-half of actual FY 1981 funding levels and one-third of FY 1981 policy levels. . . . The net effect of program modifications (fund reductions, regulatory changes, and conversion to block grants) will mean increased flexibility for states but will probably also mean reduced levels of educational resources available to the disadvantaged, the handicapped, and other groups that the federal government has sought to protect in the past. As a result the federal government would not be providing a significant proportion of funds for elementary and secondary education, nor would it have a clear purpose in its funding. This seems to make sense only if viewed as an interim step on the road to the total elimination of such federal aid.⁵⁴

The authors' conclusion is cautiously and gingerly drawn; it is unquestionably correct. However, President Reagan's proposals for disengagement in the higher educational arena are not as precipitous as they are in elementary and secondary education. They, nevertheless, also clearly indicate an intention to reduce federal involvement substantially.

2. *Higher Education.* Federal support for postsecondary education through the Department of Education amounts to nearly \$8 (7.89) billion. Most of this is for student financial assistance (\$6.64 billion). The remaining funds are for higher and continuing education (\$.38 billion); higher education facilities, loan and insurance (\$.4 billion), with some minimal amounts for college housing loans and some other miscellaneous programs. Research and improvement (\$.15 billion) and vocational and adult education (\$.74 billion) make up most of the remaining funds appropriated for postsecondary education. More than \$3 billion go for federal

⁵⁴Ibid., p. 343.

Table 3: Federal Budget for Selected Higher Educational Student Assistance Programs
(billions)

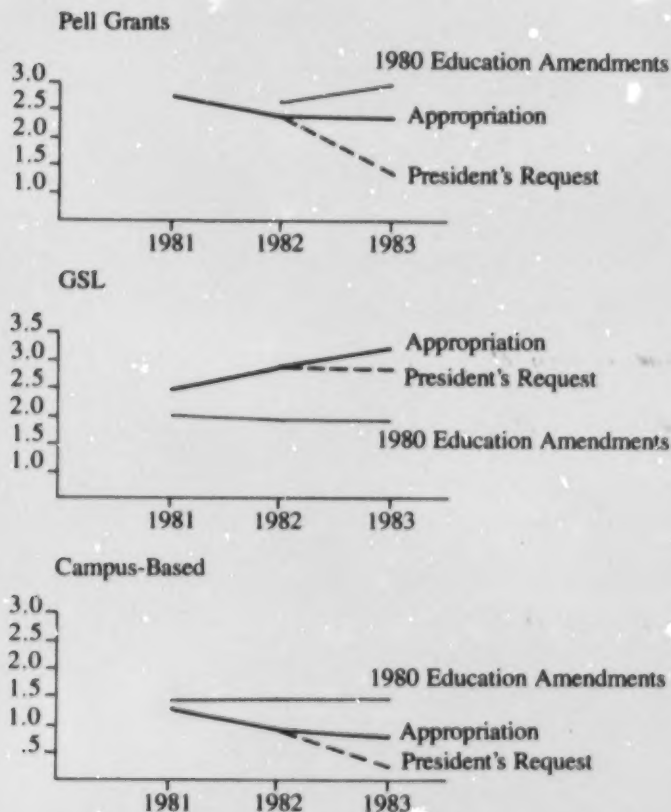
Subject/Year	Pell Grants	GSL	Campus-Based
Appropriation			
1981	2.60	2.54	1.20
1982	2.42	3.07	1.15
1983 CR	2.42	3.25	1.15
1983 PR	1.40	3.00	.40
Percent Difference			
1981-82	-6.92	20.9	-4.2
1982-83	0	5.9	0
1983 CR-1983 PR	-42.1	-7.7	-65.2
1980 Education Amendments			
1981	+	2.0	1.42
1982	2.65	2.0	1.47
1983	2.8	2.0	1.59
Percent Differences in Appropriation and 1980 Education Amendments			
1981	—	27.0	-15.5
1982	-8.7	53.7	-21.8
1983 CR	-13.6	62.5	-27.8
1983 PR	-50.0	50.0	-74.8

+ The Education Amendments of 1980 do not contain authorization figures for Pell Grants.

Sources: *Higher Education Daily*, 25 October 1982; *Chronicle of Higher Education*, 15 December 1982; and *A Compilation of Federal Education Laws, Vol. III—Higher Education, As Amended Through December 31, 1980* (Washington, D.C., U.S. G.P.O., March 1981) pp. 33, 63, 114, and 120. ISEP Staff Calculations.

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Figure 3: Federal Budget for Selected Higher Educational Student Assistance Programs



Source: Derived from Table 3.

student financial assistance through the GI Bill (\$1.6 billion) and social security benefits (\$1.6 billion).

Table 3 and Figure 3 show the budget authorization of the Edu-

cation Amendments of 1980, what President Reagan has requested, and what Congress has appropriated for selected higher educational students assistance programs. If the Reagan Administration's proposals for federal spending on student financial aid for fiscal 1983 were approved, Pell Grants, formerly Basic Educational Opportunity Grants (BEOG), would be reduced from \$2.6 billion in 1981 to \$1.4 billion in 1983. Campus-Based programs, for example, Supplemental Educational Opportunity Grants (SEOG), College Work Study (CWS), State Student Incentive Grants (SSIG), and National Direct Student Loans (NDSL), would be reduced from nearly a billion dollars to less than \$400 million. Since all of these programs focus upon the neediest students in higher education, these proposals are a stark commentary on the Reagan Administration's concern for the welfare of the economically disadvantaged. However, the Administration's modest proposals for reduction of Guaranteed Student Loan (GSL) funds, although sound in recapping this program, its recommendation to take graduate and professional students out of the program would impair educational opportunity for many of these students.

The Administration proposed reducing social security and GI Bill educational benefits. Table 4 shows how these programs have fared, programs which are not in the Department of Education budget. His request for significant reductions was made in his 1982 proposals. The remaining items in Table 4 show a president more sympathetic to educationally related concerns.

From the perspective of this Paper, the Reagan Administration is less Draconian in its approach to research and development. President Reagan requested nearly a million dollars more for the National Institute of Education and the National Center for Education Statistics in 1983 than in 1982, although this request is nearly \$12 million less than the appropriation in 1981. The Administration proposes \$1 billion in outlays for the National Science Foundation—only \$0.1 billion less than in 1982. Thus, the Administration does appear to recognize the importance of basic research.

Although the Administration has not been successful in significantly reducing federal outlays for postsecondary education, it has seriously attempted to do so. The conclusion is inescapable. Presi-

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Table 4: Federal Budget for Selected Education Programs
(billions)

Subject/Year	1981	1982	Percent Difference 1981-1982	1983 Continuing Resolution (CR)	Percent Difference 1982 - 1983 CR	1983 President's Request (PR)	Percent Difference 1983 PR - 1983 CR
Veteran's Educational Benefits	1.94	1.92	-1.0	1.67	13.2	1.67	-0-
Social Security Student Benefits ^a	2.0	1.4	-30.0	.8 ^b	-42.9	.8	-0-
National Science Foundation	.98	.99	1.0	1.09 ^c	10.1	1.07	-1.83
National Institute of Education	.066	.053	-19.7	.053	-0-	.054	1.9
National Center for Education Statistics	.0089	.0086	-3.4	.0086	-0-	.0087	1.2

^a Numbers are rounded

^b Projection

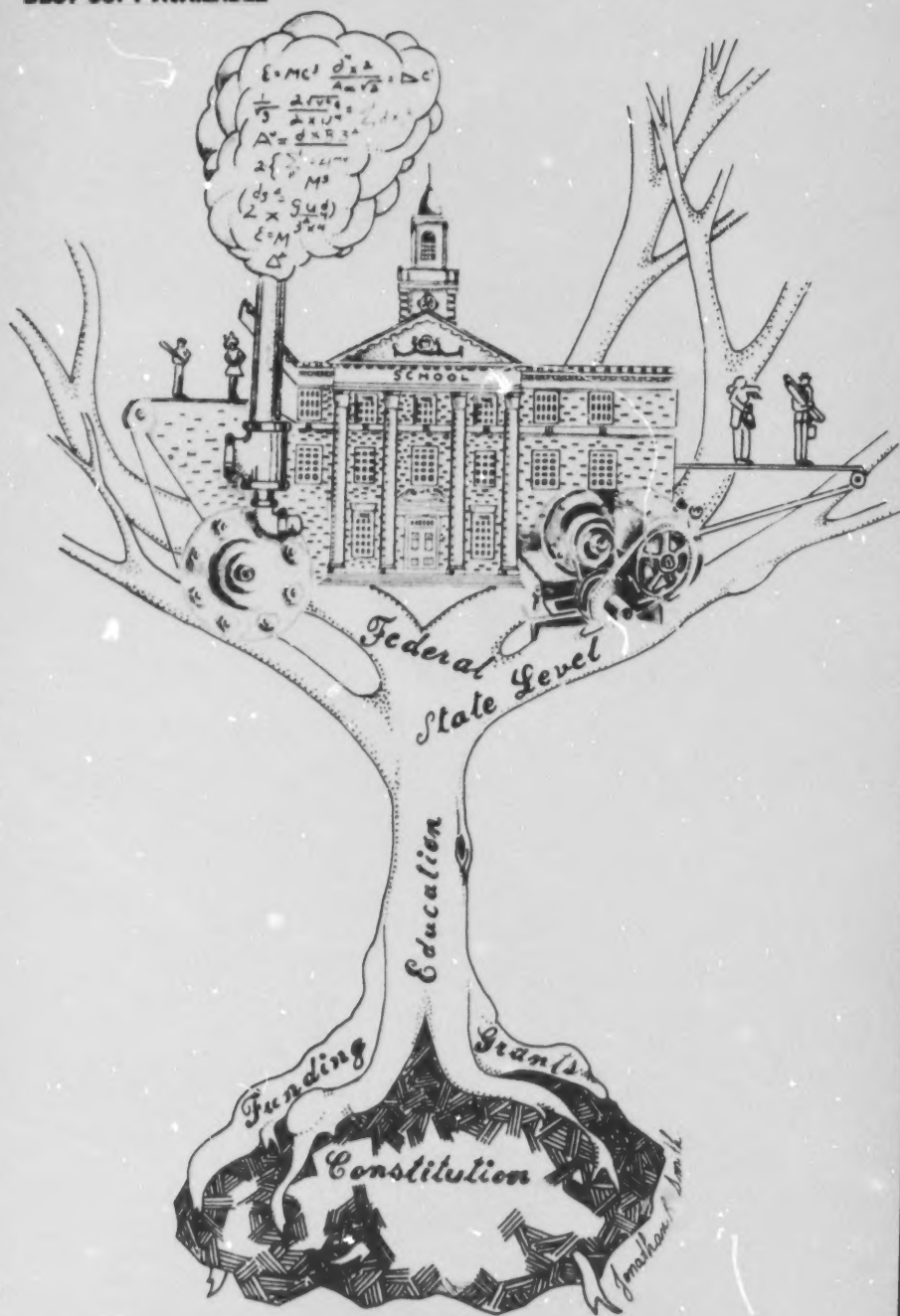
^c Actual Appropriation

Source: *Chronicle of Higher Education*, 27 July and 7 October 1981 and 15 December 1982; *Congress and the Nation*, Vol V, 1977-1980 (Washington, D.C.: Congressional Quarterly Inc., 1981). ISEP Staff Calculations.

dent Reagan is not sympathetic to federal aid to education. His proposal to abolish the Department of Education is more than a symbolic gesture of diminished federal involvement in education.

Except for its support for federal involvement in research and development, which incidentally provides a research subsidy for industry, the Administration is unsympathetic to investing in human beings.

It is appropriate to conclude this discussion of the right to education by analysing education, economic growth, and social and political development.



IV. Education, Economic Growth and Social and Political Development

Economic recession and political and psychosocial ferment have pushed education toward a preoccupation with the practical and the financial while, at the same time, exposing the shallowness and lack of clarity about higher education's mission. Education can be viewed as reflecting various models, purposes, or functions. A model can be regarded as a kind of ideal description of reality, as a theoretical projection in detail of a possible system of human relationships—as in economics, politics, or psychology. The purpose of higher education can be defined as "the general design . . . for comprising the object it pursues." A function can be defined as comprising specific acts or operations "performed in the course of fulfilling the purposes."

—Kenneth S. Tollett⁵⁵

The role of education in economic and social recovery may be determined by looking at the mission and functions of education in our society. Mission is concerned with the broadest purposes or intentions of education. Functions are concerned with the instrumental means by which education achieves certain purposes or goals. Intent and function, however, must be placed in an appropriate economic, social, and political context, for they are both determined or defined by the latter.

Economic growth is the expansion of the production of goods and services. The factors of production are organized and allocated in the most efficient way feasible given the non-economic external constraints of the social, cultural and political orders. Social development is the enrichment and nurturance of individuals and groups, particularly the latter's interpersonal relationships to maximize self-expression and self-fulfillment according to the value system of the society or community. Political development is concerned with the effective operation of the decision-making struc-

⁵⁵Kenneth S. Tollett, "Certification, Articulation, and Caste," p. 68.

tures, the more or less formal processes for the articulation of norms and values, and the allocation and distribution of power.

Thus, the mission and the functions of education are defined by their relationship to the above three major areas of concern. The following discussion explains how education plays a major role in economic growth and social and political development.

A. Mission and Purposes of Education

The mission of education is closely related to education in its basic sense. The mission of education is to internalize and organize experiences and to transmit the internalization and organization from individual to individual, group to group, and generation to generation. In this sense, education is especially concerned with facilitating and expediting individual and group adaptation to their communities, societies, and, ultimately, the world at large.⁵⁶ The mission of education articulated this way makes it substantially the same throughout the world, whether the society is postindustrial, industrial, or pre-industrial.

Since the United States is an industrial nation that is swiftly moving toward a postindustrial society, the mission of education in the United States has to be refined consistent with its economic, political, and social circumstances. The refined mission of education may be determined by looking at postsecondary or higher education, the existence of which is essential for an industrial or postindustrial society.

1. *The Purpose of Postsecondary Education.* Although the purposes of education which will be discussed here are borrowed from the Carnegie Commission on the Future of Higher Education,⁵⁷ a brief discussion of a variety of models or paradigms for the higher educational enterprise may be illuminating. One taxonomy of models may be: elite, manpower, open access, and universal attendance. The elite model is similar to Martin Trow's autonomous

⁵⁶Kenneth S. Tollett, "Community and Higher Education," *Daedalus* 104 (Winter 1975): 278.

⁵⁷Carnegie Commission on Higher Education, *The Purposes and the Performance of Higher Education in the United States* (New York: McGraw-Hill Book Company, 1973).

university, which internally defines its goals and objectives in contradistinction to the popular university which the public directs.⁵⁸ The manpower model, which is followed in most communist nations, is preoccupied with meeting an economy's human power and vocational needs. Socially democratic polities drive the open access and universal attendance models. My predilection is for the open access model because it is compatible with both social and political democracy.

There is another set of major models of colleges which could be considered: scholastic, vocational, action-oriented, utopian, and experiential.⁵⁹ This series of models coincides with certain cultural, political, economic, and social interests that may be autonomously or popularly determined.⁶⁰ These six models and the four already referred to imply ideal types of communities.⁶¹ They have been listed to set the stage, background, and textual ambience⁶² for a discussion of five main purposes of higher education espoused by the Carnegie Commission.

The Commission sets forth five purposes:

1. The provision of opportunities for the intellectual, aesthetic, ethical and skill development of individual students and the provision of campus environments which can constructively assist students in their more general developmental growth.
2. The advancement of human capability in society at large.
3. The enlargement of educational justice for the post secondary group.
4. The transmission and advancement of learning and wisdom.
5. The critical evaluation of society—through individual thought and persuasion—for the sake of society's self-renewal.⁶³

⁵⁸Martin Trow, "Reflections on the Transition from Mass to Universal Higher Education," *Daedalus* 99 (Winter 1970):1.

⁵⁹Martin Bressler, "The American College: Some Problems and Choices," *Annals*, July 1971, p. 57.

⁶⁰Tollett, "Certification."

⁶¹*Ibid.*

⁶²*Ibid.*

⁶³Carnegie Commission, *Purposes and Performance*, p. 1.

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The pluralist system of higher education in the United States provides the opportunity for various sectors of the system to focus upon one or more of the above purposes without trying to comprehend all. The United States government could legitimately support any one or all of the above purposes. Our government has a special responsibility for the third one, "the enlargement of educational justice for the postsecondary group."⁶⁴ The United States government has a special concern for the latter because the Reconstruction Amendments of the post-Civil War era constitutionalized the principle of equality,⁶⁵ just as the first ten amendments to the Constitution or the Bill of Rights constitutionalized liberty and freedom. The review of the education budget above clearly indicates that Congress has in effect implicitly, if not explicitly, followed this view.

It is not enough to write about the purposes, intentions, or ends of education. It is also important to discuss the services it carries out to achieve the above purposes. Thus, this Paper may be concluded by looking at the functions of education, i.e., as Clark Kerr writes of them as services to production, consumption, and citizenship.⁶⁶

B. Functions of Education: Services to Economic, Social, and Political Development

The production, consumption, and citizenship functions are activities related to, respectively: the output of goods and services in society; the current consumption of goods and services by students and others in the campus community with durable consumption being changed taste, sensitivities, skills, and opportunities for a fuller life; and the performance of students, alumni, and faculty members in relation to their civic responsibilities. The production function is obviously related to the economy; the consumption function to personal taste and value systems; and the citizenship function, to political and social activities.

⁶⁴Ibid., p. 1.

⁶⁵Tollett, "Federal Role."

⁶⁶Clark Kerr, "The Pluralistic University in the Pluralistic Society," reprint from *Great Ideas Today* (1969).

1. Production Function. Universities aid the societal output of goods and services by finding or identifying talent; training it in vocational, technical, and professional skills; doing research which is valuable and useful to society's production forces; and servicing production units through formal and informal consultation. In discussing this function, I emphasize a human capital approach to education and investment.

The argument for the investment in human capital is that government fiscal intervention to improve the knowledge, skills, and health of its citizens will result in increased economic productivity. As the economist Theodore M. Schultz points out:

The value of additional human capital depends on the additional well-being that human beings derive from it. Human capital contributes to labor productivity and to entrepreneurial ability valuable in farm and nonfarm production, in household production, in the time and other resources that students allocate to their education, and in migration to better job opportunities and better locations in which to live. Such ability also contributes importantly to satisfactions that are an integral part of current and future consumption.⁶⁷

The human capital argument is compelling primarily for four reasons: 1) the evolving postindustrial development in American society characterized by an emerging service economy; 2) the progressive centrality of information or knowledge, both theoretical and practical, as the basis of social innovation and policy formulation; 3) the emergence of a professional-technical elite; and 4) the increasing interdependence of social development and technical-scientific advancement.⁶⁸ John Naisbitt maintains that we are in transition from an industrial society to an information society,

⁶⁷Theodore W. Schultz, *Investing in People: The Economics of Population Quality* (Berkeley: University of California Press, 1981), p. 11.

⁶⁸See Daniel Bell, *The Coming of Post-Industrial Society: A Venture in Social Forecasting* (New York: Basic Books, Inc., 1973). Bell would subordinate empirical or practical knowledge to theoretical knowledge. *Ibid.*, p. 20.

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which depends more upon the production of knowledge and information than upon manufactured goods.⁶⁹

As probably the most important aspect of human capital formation, education must be seen as the major factor in increasing productivity in the developing age of science and technology. The returns from the investment in education are significant. Schultz observes:

Schooling is more than a consumption activity, in the sense that it is not undertaken solely to obtain satisfactions or utility while attending school. On the contrary, the public and private costs of schooling are incurred deliberately to acquire a productive stock, embodied in human beings, that provides future services. These services consist of future earnings, future ability in self-employment and household activity, and future consumer satisfactions.⁷⁰

Although the Nobel Laureate Schultz's views may be a trifle econometric, there is no gainsaying their persuasiveness in the pursuit of economic recovery. The labor factor of production becomes very important because of its critical impact upon the other two factors of land and capital. Schultz emphasizes that the value of land is overrated in improving the quality of life, whereas the value of human capital is greatly underestimated. Moreover, the differences in natural resources are apparently not the most important factors in explaining why some countries are wealthy while others are wretchedly poor. Schultz observes:

People in India have been poor for ages both on the Deccan Plateau, where the productivity of the rain-fed soils is low, and on the highly productive soils of South India. In Africa, people on the unproductive soils of the southern fringes of the Sahara, on the somewhat more productive soils of the steep slopes of the Rift landform, and on the highly productive alluvial lands along and at the mouth of the Nile all have one thing in common: they are very poor.⁷¹

⁶⁹John Naisbitt, *Megatrends*, (New York: Warner Books, 1982).

⁷⁰Schultz, *Investing*, p. 31.

⁷¹*Ibid.*, p. 6.

Such is the case with many Black Americans who may be surrounded by or even own the riches of terra firma but who, for racist and other reasons, remain impoverished.

What then is the solution to the entrenched inequality of the standards of living between Blacks and whites and other disadvantaged ethnic groups and other well-off groups who have come close to achieving parity with or excelling whites? The answer lies in investment in human capital. Schultz maintains, "An integral part of the modernization of the economies of high- and low-income countries is the *decline in the economic importance of farmland and a rise in that of human capital—skills and knowledge.*"⁷² Schultz reiterates the same point in similar terms: "The decisive factors of production in improving the welfare of poor people are not space, energy, and cropland; the decisive factors are *the improvement in population quality and advances in knowledge.*"⁷³

Schultz's perspective on human capital is compelling with respect to economic recovery, but it may be too econometric or mechanical when considering *social recovery*. In discussing the seeming hegemony of economic analysis in the social sciences, I observed the following:

Symptomatic of the underdeveloped stage of social science is the quick resort to economic concepts in order to explain and rationalize social phenomena and institutions. This takes place in higher education in part because of the self-consciousness of educators and the public about the extent to which the public sector is subsidizing or financing higher education. It is also a compliment to economics, which seems to have advanced further than most social sciences toward developing concepts for rigorous analysis of social processes. Thus one can discuss the impact of higher

⁷²Ibid., p. 6.

⁷³Ibid., p. 4.

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education upon society by talking about the "output" of higher education.⁷⁴

"Tollett, "Certification," p. 69. In discussing some reservations about data collection, I wrote the following in 1976:

"Now, I said there are some epistemological dangers . . . I think, and this may surprise you coming from someone who is directing an Institute which is spending most of its resources in gathering data, statistics, and the like, that mathematical and statistical analysis can count and tell you the number of much but explain the meaning and significance of little. Economic analysis, assuming that people are rational maximizers of their satisfactions, can tell you the cost in monetary terms or the benefit of much, but explain the value and worth of little. One consequence of the conceptual hegemony of mathematics and economics is that phenomena in the interpersonal and political realms are encapsulated into the procrustean confines of structural equations with economists focusing upon unstandardized regression coefficients and social scientists "zeroing" in upon standardized regression coefficients. All of this regression analysis is ultimately based on the Gaussian density function.

"The above was not said to devalue the utility or relevance of mathematical and economic thought models in confronting the contemporary problems of higher education. Rather, it was said as a warning against the facile and desperate resort to the thought models of those disciplines which are not especially sensitive to socio-cultural values and normative and political sensibility. Indeed, since Blacks and other minority groups seem to be victimized by numbers whether the subject matter is crime statistics, family organization, or standardized tests, it is important for Blacks to understand and to do their counting and cost-benefit analyzing themselves. However, in addition to counting and cost-benefit analyzing the experience of Blacks and other minority groups in higher education, we must also scrutinize carefully what is happening to them in higher education. In short, mathematical analysis is not enough.

"Mathematics is ultimately reducible to symbolic logic. Symbolic logic is deductive reasoning. Its propositions are analytical which is to say the predicates of propositions are always posited in the subject. These propositions can be proved with certainty. However, that is because careful analysis exposes the redundancy of deductive reasoning. The extent to which economics uses mathematical analysis, it is supporting its work by essentially deductive symbolism. These considerations give mathematics and the uses made of mathematics in economics and the social and natural sciences both their power and weakness."

Kenneth S. Tollett, "The Rationale for Racial and Ethnic Data Collections," in *Racial and Ethnic Data: Proceedings from the National Invitational Conference*, ed. Elizabeth A. Abramowitz (Washington, D.C.: Institute for the Study of Educational Policy, 1976, 1981), pp. 11-12.

However, the definition of education set forth earlier in this Paper goes beyond the production function of education which the human capital analysis emphasizes.

Even if one focuses primarily upon economic recovery, non-economic factors and variables are important. Mark Lilla has written prudently:

It is commonsensical to everyone but economists that the state of the economy depends on far more than the "economizing" behavior of individuals, that it also depends on certain general historical, political, cultural, even spiritual factors. But how is one to address the noneconomic roots of economic life?

Earlier generations of economists always discussed them under the rubric of "political economy." But now their background and training are so narrowly focused, at such an early age, on graphs and computerized mathematical modeling, that economists have become incapable of sustaining the most rudimentary discussion of the "industrial spirit," bourgeois life, entrepreneurship, or the consequences of affluence, without aping the language of scientists. They speak of "markets," but seldom of capitalism anymore, let alone of the "democratic capitalism" of most of the Western countries they study. They speak of "value" and "preferences" without asking how those are formed, or how a change in them can affect the economy at large.⁷⁵

Without diminishing the importance of Schultz's analysis, I will now turn to a discussion of the citizenship and consumption functions of education which are closely related to social recovery.

2. *Citizenship Function.* The citizenship function of education is concerned with "those activities that related to the performance of students, alumni, and faculty members in relation to civic responsibilities."⁷⁶ It entails socialization, evaluation of society, and

⁷⁵Mark Lilla, "Thinking Like An Economist," *Harpers*, October 1982, p. 71.

⁷⁶Clark Kerr as quoted by Kenneth Tollett, "Higher Education and the Public Sector," in *The Outputs of Higher Education: Their Identification, Measurement and Evaluation*, eds. Ben Lawrence, George Weathersby, and Virginia Patterson (Boulder: WICHE, 1970), p. 66.

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additional specialized learning when necessary. Smith College President, Jill Conway, wrote that the main social function of education, especially universal education, was "... the preservation of social democracy" in America.⁷⁷ Related to this was the concept of community service, which led to the conviction that education was omniscient and could "resolve all social problems."⁷⁸ It is *not* omniscient, but it *is* multiscient and can solve or help solve many social problems.

The popularly recognized importance of higher education is reflected in the September 27, 1982 *Time* magazine article on education entitled, "Five Ways to Wisdom: As U.S. Colleges Open Their Doors, How Can They Also Open Minds?"⁷⁹ The article gives five main ideas for what "is essential to learn—to know—and why?":

1. Education means careers
2. Education transmits civilization
3. Education teaches how to think
4. Education liberates the individual
5. Education teaches morals

Yet in a critical summary of the five main ideas, the *Time* article clearly recognizes the limitations of each idea the following way:

Each of these five ways to wisdom has its strengths and weaknesses, of course. The idea that education provides better jobs promises practical rewards for both the student and the society that trains him, but it can leave him undernourished in the possibilities of life away from work. The idea that education means the acquisition of a cultural heritage does give the student some grasp of that heritage, but it can also turn into glib superficialities or sterile erudition. The idea that education consists mainly of training the mind does provide a method for further education, but it can also make method seem more important than knowledge. So can the idea that education is a form of self-development. And the

⁷⁷Jill Conway, "Styles of Academic Culture," *Daedalus* 99 (Winter 1970): 43.

⁷⁸*Ibid.*, p 44.

⁷⁹"Five Ways to Wisdom," *TIME*, September 1982, p. 66.

teaching of ethics can unfortunately become a teaching of conventional pieties.²⁰

The article also recognizes that financial support for higher education has not kept pace with inflation. Its observation on this is relevant to the economic and consumption functions of education in addition to its citizenship function:

Good teachers cost money, libraries cost money, so do remedial classes for those who were short-changed in earlier years. Only mediocrity comes cheap. Those who groan at the rising price of college tuition (up as much as \$7,000 since 1972) may not realize that overall, taking enrollment growth into account, college budgets have just barely kept up with inflation. Indeed, adjusted for inflation, four years of college today costs less than a decade ago, and faculty salaries in real dollars declined about 20% during the 1970s. Crocodile tears over the cost of higher education come in waves from the Federal Government, which has so far held spending to roughly 1981 levels, and proposes deep cuts (e.g. nearly 40% in basic grants) by 1985. This is an economy comparable to skimping on the maintenance of an expensive machine.²¹

A brief comment upon the federal role in funding education is very appropriate in the light of the above statement and in the context of a discussion of the citizenship function of education.

a. The federal role in funding education—President Cheek's allusion to Epictetus is peculiarly apposite when he said, "In reflecting on the character of Greek society in his day, he observed that man had decided that only free men shall be educated, but God has decreed that only the educated shall be truly free." Thomas Jefferson held a similar view to Epictetus'. Christian K. Arnold concluded an article in support of a substantial federal role in funding education by quoting John Adams' statement that "education is

²⁰Ibid., p. 72.

²¹Ibid., p. 72.

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more indispensable and must be more general, under a free government, than any other."⁸²

The early presidents from George Washington to John Quincy Adams held similarly supportive views about education. Arnold reports:

... George Washington ... lobbied vigorously for the establishment of a national university. "There is nothing which can better serve your patronage," he told an uncooperative Congress, "than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness."⁸³

Congress was uncooperative primarily because "the United States was broke and heavily in debt."⁸⁴ Secondly, Congress was uncooperative because "of provincialism and sectionalism," vestiges of the Articles of Confederation. These are the two reasons the federal government left education almost entirely up to the states.

However, the federal role in both higher and elementary and secondary education is primarily to advance social justice and equality.⁸⁵ Based upon an historical review of the Federal Government's involvement in education, I stated the following:

1. In pursuance of the great plenary powers reposed in the federal government—for example, general welfare, commerce and common defense—Congress may enact educational bills that are necessary and proper for the accomplishment of the objectives of these powers.
2. Given the constitutional and social implications of the Reconstruction Amendments and the civil rights movements of the 1960s, the Federal Government has a legal obligation to advance equality in general and that of blacks in particular, and it has properly made a political commitment—which has been wavering and declining recently—to do so.⁸⁶

⁸²Christian K. Arnold, "The Federal Role in Funding Education," *Change* 14 (September 1982): 54.

⁸³*Ibid.*, p. 40.

⁸⁴*Ibid.*, p. 40.

⁸⁵Tollett, "Federal Role."

⁸⁶*Ibid.*, p. 432.

Although practice is a gloss upon the Constitution and the public policy to which it is relevant, practice may be the product of forces unrelated to the values or principle for which it is cited. Clearly, a national university was not established because of the poverty of the national government. This did not mean a national university was beyond the power of the national government.

Provincialism is a States' rights view and vestige. It reflects an attitude toward authority; not whether authority exists. The Constitutional Convention of 1787 was called to revise the Articles of Confederation because the latter was dominated by provincialism and divisiveness. The Constitution produced was a triumph of the Federalists, then Nationalists, over States' rightists and Confederatists.⁸⁷ Thus, provincialism sometimes reinforced practice that had nothing to do with power, authority, or, even, propriety. For example, in the early stages of the United States government, it had to rely upon State courts to enforce federal laws. State courts were already in existence. The new federal government took time to establish its infrastructure and bureaucracy. Another example of the national government initially significantly relying on State resources was the State militia. It did not mean the national government did not have the authority and responsibility to maintain a National Army.⁸⁸

Whatever one may want to infer from early history and practice, once the Reconstruction Amendments after the Civil War modified the Constitution, the principle of equality was established. During this same period, the first Land Grant Act was enacted in 1862 to facilitate the growth and development of agricultural and mechanical sciences. *In the process of abolishing slavery and saving the Union, the federal government assisted education substantially.*

⁸⁷See, William Winslow Crosskey, *Politics and the Constitution in the History of the United States*, 3 vols. (Chicago: The University of Chicago Press., 1980), vol. 3: *The Political Background of the Federal Convention* by William Winslow Crosskey and William Jeffrey, Jr.; Tollett and James, "Neo-federalism."

⁸⁸James Burns, *The Vineyard of Liberty* (New York: Alfred Knopf, 1982), p. 215.

The Federal Government has an indispensable role to play in advancing knowledge, science, and technology in higher education. This role is more related to the production function of education than its citizenship function. The citizenship function is related to the political enterprise and social justice. The national

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government strengthens its political position in the world not only by nourishing and developing science and technology but also by teaching and instilling civic responsibility and social sensibility.

President Washington's interest in education and knowledge as "the surest basis of public happiness" is related to the citizenship function. It also foreshadows and suggests the consumption function.

3. *Consumption Function.* On the consumption function, I have written:

The consumption function of higher education is related to the activities of students and the campus community which involves consumption of goods and services of the economy or to the development of tastes, sensitivities, and opportunities which lead to life styles of consumption by students on a long range basis. This is closely related to the cultural impact of higher education upon students."

"Tollett, "Higher Education," p. 66.

Higher education and, to a lesser extent, secondary education fulfill this function through general education, community-life development on campus and custodial and holding services for students. Kerr indicates that colleges should reject the custodial function of campuses.⁹⁰ Hutchins has written, "Although any educational system is to some extent custodial, none can in the long run justify itself on this ground alone."⁹¹ I agree with both.

However, the holding-pattern function of campuses, although related to the custodial function, may be very appropriate, modulating the entry of young adults into the labor force through the college or academic and intellectual passage. The critical activity of the consumption function is general or liberal arts education. This relates closely to the Carnegie Commission's first purpose of higher education.

The consumption function is also closely related to the *Time* magazine article's reference to the transmission of civilization, the liberation of the individual, and the teaching of morals. These are not mean ideas or purposes. Surely, they should contribute constructively to social recovery.

Reaganism or Reaganomics would be dealt with more intelligently if one were well informed about the history of the United States, particularly its social and political dimensions. For example, *nostalgia* can be quaint, entertaining, and practically harmless in the social-cultural realm—say, returning to bobbed hair styles, short dresses, Scott Joplin, and ragtime. However, ideological or political nostalgia is fraught with great risks, and it is "especially appealing to conservatives. . ."⁹² Unable to cope with the present or deal with the future, nostalgic conservatives regress to a manageable and prideful, if not pleasant, past. However, The Roaring Twenties were high on fun which culminated in the Great Depression. The Social Darwinism of the late Nineteenth and early Twen-

⁹⁰Clark Kerr, "The Pluralistic University."

⁹¹Hutchins, *Learning Society*, p. 36.

⁹²Phillips, *Post-Conservative America*, p. 4.

tieth Centuries was good for rugged individualism but bad for social justice.⁹¹

Some of the traditional values Reaganism supports, such as family, church, and local community, would better be appreciated by those unsympathetic or sympathetic to Reaganism if they had a good exposure to the study of the social and political institutions of our society. Amitai Etzioni, Director of George Washington's University's Center for Policy Research, is well informed about these values. He wisely writes:

The Moral Majority has a point; we must concern ourselves more with the family, school, neighborhood, nation, and character. That they wish to *impose* their cures, and that their cures will do precious little to alleviate our problems, if not exacerbate them, should not lead us to concede these issues to such wrong-headed people. Reconstruction of community is a pressing task for America in the coming years.⁹²

Rugged individualism and communalism are inevitably in some tension. Moreover, the cures the Moral Majority prescribes for

⁹¹Robert B. Reich succinctly itemizes the dropping list of conservatism which shops in the catalog of Social Darwinism:

"Since last October, the poor and near-poor in America have lost more than \$10 billion in federal support. Some 661,000 children have lost Medicaid coverage; 900,000 poor youngsters no longer receive free or reduced price school lunches; 280,000 no longer receive free or reduced-price breakfasts; 150,000 poor working families have lost eligibility of government supported day care; 200,000 fewer pregnant women, new mothers, infants and children are getting special federal coupons for milk, juice, and other diet supplements. One million people have been dropped from the food stamp rolls. In addition, 890 school districts have cut back on special education programs. Three private universities have announced that they no longer will admit able students who cannot pay their own way; 550 public libraries and museums have begun to charge entry fees. Meanwhile, military spending has begun to rise precipitously; by 1984, it will absorb nearly a third of the federal budget instead of the present quarter."

Reich, "Ideologies of Survival: The return of social Darwinism," *The New Republic*, September 20 & 27, 1982, p. 32.

⁹²Amitai Etzioni, *An Immodest Agenda: Rebuilding America Before the 21st Century*, (New York: McGraw-Hill Book Company, 1983), p. xii.

family, church, and local community require a strong and knowledgeable government to administer them. Further, strong government, at both the state and national levels, evolved and expanded in reaction to powerful forces such as the complexity and the

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aggregation of individuals, groups, and organizations which overpowered and undermined the constraining values and forces of the family, church, and local community.

Etzioni makes another observation conservatives and especially liberals should heed. He states:

We cannot do all that is of merit, serve all that is just, attend to all that is needed. We have rediscovered scarcity. Whether we like it or not, we are forced to decide where to focus our efforts, what to accord first priority, what will have to be deferred.⁹⁵

I would submit that top priority should be given to human power from which military and all other social and political powers are derived. However, every social and human ill cannot be solved overnight, which apparently some liberals thought in the late 60s

The fact that everything cannot be done does not mean that nothing should be attempted.

and much of the 70s.⁹⁶ Education empowers, but it also instructs on the limitations of power. The fact that everything cannot be done does not mean that nothing should be attempted.

⁹⁵*Ibid.*, p. xiii.

⁹⁶I have characterized this liberal process, if not hybris, as the universalization and displacement or deflection of the Civil Rights Movement. Kenneth S.

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Education does not guarantee the enhancement and reinforcement of sensitivity and sensibility, but it does provide an opportunity for the development of both. Our tastes, senses and knowledge

Tollett, *Black Colleges as Instruments of Affirmative Action*, (Washington, D.C.: Institute for the Study of Educational Policy, 1982), pp. 20-29. This theme is being developed further in a major work in which I am presently involved, namely, a history of various social, political, and cultural movements since the *School Desegregation* case initiated the "egalitarian revolution."

I claim that the Civil Rights Movement should be returned to its original primary purpose, to wit, honoring the Reconstruction Amendments' promise to do justice to Blacks in the United States. This does not mean that other social or political movements are or were illegitimate or improper. It does mean that other social movements not within explicit constitutional boundaries, independent of the Bill of Rights, particularly the First Amendment, should be subordinated to the struggle of Blacks.

With the currency given to the notion of a "Zero Sum Society," policy analysis and advocacy have taken a tendentious turn toward the pursuit of the agendas of narrow special interest groups. The idea of the common good and general welfare has been submerged under single issue campaigns such as "Returning Prayer to the Public Schools," "Prohibiting Abortions," or "Save the Condor." Madison's apprehension about proliferating factions in the American polity has proven well founded.

My claim in support of Blacks cannot be stated without making it clear that the writer is not opposed to the social movements that came onto the scene in the mid-1960s and early 1970s to displace or deflect from center stage Blacks in the Civil Rights Movement.

At least six movements substantially displaced or deflected attention from the needs and aspirations of Blacks. They are (1) the Environment Rights Movement or *ecophilism*; (2) the Women Rights Movement or *feminism*; (3) the Gray Rights Movement or *gerontophilism*; (4) the Gay Rights Movement or *homophilism*; (5) the Consumer Rights Movement or *consumerism*, and (6) the Post-Modern Youth Rights Movement or *polymorphous adventurism*. Six is arbitrary in that more movements could be so enumerated or if the ones discussed were weighted, some could possibly be eliminated, such as the Gay Rights Movement or *homophilism*, because its impact has been relatively light on the national policy scene.

The Post-Modern Youth Rights Movement needs immediate explanation. It has at least three components with three characteristic activities associated with them. They are the Student Rights Movement with its protest on campuses and in the streets; the Anti-Vietnam War Movement with protest initially centered

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should be nourished and developed to preserve and liberate economic, political and social development.

upon university campuses but moving onto public streets, buildings, and places, including the Mall of Washington, D.C.; and the Counter-Cultural Movement.

The Post-Modern Youth Movement's components are not of equal weight. The Anti-Vietnam War Movement clearly had the greatest negative impact on the Civil Rights Movement both in public consciousness and in the limitations it imposed upon the allocation of funds for the "Great Society" programs of President Lyndon B. Johnson. The Student Rights Movement, frequently associated with, if not confused with Anti-Vietnam War Movement, may have had its most negative impact upon the Civil Rights Movement through a subliminal process of guilt by association. This means academia, especially its professoriate, became disenchanted with the Civil Rights Movement, not because they disagreed with or were unsympathetic to its legitimate claims, but because the Student Rights Movement which they strongly opposed, got its impetus, stimulation, and example from the Civil Rights Movement. Although its opposition to Affirmative Action was influenced by the above observation, the opposition was a more complicated reaction to one of the tributary activities of the Civil Rights Movement.

V. Conclusion and Recommendations

Economic and social recovery requires a revitalization of human power and the proper allocation and organization of both human and non-human resources. The revitalization of human power entails an expanded investment in human services and institutions which nurture and develop human power. Education is the main institution government has a major responsibility for operating which nurtures and develops human power.

At the elementary and secondary levels, state and local governments bear the predominant burden. The national government's role is comparatively small but socially and politically important, for it has focused upon expediting and encouraging special assistance to the poor, disadvantaged, and handicapped and promoting and guaranteeing equal educational opportunity and nondiscriminatory practices.

At the higher educational level, the federal government's responsibility is similar, except its major mechanism for helping the poor and disadvantaged is through financial assistance to students and on a more limited basis to the institutions themselves. At this level it also provides significant funds for research and development.

The greatest asset of the United States, particularly in an emerging postindustrial society, is a highly skilled, healthy, and knowledgeable populace. Education contributes directly to and develops skill and knowledge and indirectly and significantly to health. Knowledge, skill and health are the three major components of human capital. Therefore, the federal government must encourage and invest in the development of human capital. This can be done by following substantially the Education Amendments of 1980. Education grants and programs should be funded at the level authorized by those Amendments.

Reagan's educational proposals would have substantially lowered funding for the educational grants and programs at both the elementary and secondary and the postsecondary levels. Fortunately and commendably, Congress has resisted most of the rescissions and reductions in educational funds which the President has requested. It should stay its course in education and strengthen generally its support of human services.

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The value and importance of education to society and individuals have transformed it from a privilege to a right. Because the right to education in a postindustrial society is a critical factor for economic productivity, preservative of other rights, and essential for self-fulfillment, it has become a fundamental right. It is one of the unenumerated rights reserved to the people in the Ninth Amendment to the U.S. Constitution.

Appendix A

The Challenge To Equal Opportunity In Higher Education

ISEP Perspective II

by

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March 1983

The Challenge To Equal Opportunity in Higher Education

The Fiscal Year (FY) 1984 Budget recommends a number of policy changes that have important implications for the future of equality of opportunity in higher education. While the Budget requests little change in dollars for total student financial assistance, down to \$5.6 from \$5.8 billion, its policy objectives may unintentionally promote inequalities in student access, choice, and persistence for low-income students in postsecondary education, especially for Black students.

Nationally, the uncertainty created in recent years by major changes in student financial aid policy has caused many low-income students to delay entering college. The implementation of a totally new system would undoubtedly jolt higher education enrollments severely. More importantly, America can ill-afford the long-term economic, social, and political losses implicit in the denial of advanced education and training to Blacks, to other minorities, and to the poor.

The recommendations which follow reconcile the intent of the higher education policy prescribed by the FY 1984 Budget with current and future realities regarding the higher education of low-income students. They also address the Federal role in promoting equality of opportunity in postsecondary education.

Recommendations

1. Continue the Pell Grant program. Expand its funding level to \$3.0 billion. Raise the maximum grant ceiling to \$2400. Target the program on students with incomes under \$21,000.

Rationale: Between 1973 and 1975, when the Pell Grant program was primarily targeted on the truly needy, more than 1.3 million low-income undergraduate students gained access to higher education. After 1975, the proportion of Pell dependent recipients with family incomes under \$12,000 declined by almost half (to 32 percent from 62 percent). The proportion of independent students rose to 32 percent (from 27 percent).

By targeting the program on undergraduates with family incomes under \$21,000 and by expanding the funding level and the size of the maximum grant, the original intent of the program can be restored while simultaneously addressing rising college costs and the impact of inflationary pressures on incomes during the seventies.

2. Continue *all* campus-based programs. Increase the funding level of the College Work-Study program to \$850 million as proposed by the FY 1984 Budget. Fund the National Direct Student Loan Program and Supplementary Educational Opportunity Grant Program at the FY 1983 level (\$193.3 and \$355.4 million, respectively). Fund the State Student Incentives Grant Program at the FY 1981 level (\$76.7 million). Target these programs on students with family incomes under \$21,000.

Rationale: The new Federal student financial assistance system, and the cutbacks in equal opportunity programs effectively reduce the options of low-income students and parents and of institutions serving low-income students during bad economic times. Under the existing system, socioeconomic constraints facing lower-income students are offset by the availability of up to \$3800 in grants (Pell plus Supplemental Educational Opportunity Grants). Additional grant assistance is available through the State Student Incentives Grant Program and two campus-based programs that served Blacks and other minorities well before the implementation of the

Middle Income Students Assistance Act in 1978: College Work-Study and National Direct Student Loans.

The integrity of these programs can be restored, too, by targeting them on students with family incomes under \$21,000.

3. As proposed by the FY 1984 Budget, adjust the Guaranteed Student Loan program downward to 2.0 billion dollars. Require all applicants to establish need. Maintain the 5 percent origination fee for graduate students. Strengthen efforts to curtail abuse of the program by upper-income students.

Rationale: Between 1978 and 1980 the participation rates of students with family incomes of \$25,000 and over increased from 8.5 percent to 24.5 percent. The participation rate of students in the \$15,000 and below income category fell to 20.5 percent from 25.0 percent.

The recent decline in interest rates justifies adjusting the funding level of the Guaranteed Student Loan Program downward to 2.0 billion.

4. Continue the Programs for the Disadvantaged at the \$155 million level. These programs include: Talent Search, Upward Bound, Special Services for the Disadvantaged in Higher Education, Equal Opportunity Centers, and Staff Training.

Rationale: More than 200,000 Black students may not even have a chance to complete college or to get as far as graduate school because of cutbacks in the programs for the disadvantaged (down to \$35 million from \$155 million). Many more may no longer have access to college at all. These policy initiatives speak not only to national awareness of the meager financial resources of the target groups, but also to the need for Federally-funded support at pivotal points in the educational pipeline. Termination of these programs would bury this awareness in an era when significant numbers of Blacks and of the poor are slipping back to new levels of poverty, of unemployment, and of an overall inability to cope with an economy undergoing radical transformation.

5. Continue the following special-purpose programs: the Graduate/Professional Educational Opportunities Program, the Legal Training

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for the Disadvantaged Program, and the Public Service Grants and Fellowships Program. Double the funding of the Graduate/Professional Educational Opportunities Program (\$20 million). Continue the Public Service Grants and Fellowships program at the FY 1983 level (\$1.9 million).

Rationale: Minority and poor graduate students rely disproportionately on personal earnings, NDSL, and veteran's benefits to finance their education. Termination of the Graduate/Professional/Educational Opportunities Program and Legal Training for the Disadvantaged Program will further exacerbate equal access at this level.

In 1980 Blacks represented a mere 5.5 percent of graduate enrollment and 4.6 percent of first-professional enrollment. Between 1978 and 1980, Black graduate enrollment fell by 3 percent compared to a 1 percent drop in white enrollment. Black first-professional enrollment grew by 8 percent compared to a 12 percent growth in white first-professional enrollment.

6. Re-Institute the National Advisory Committee on Black Higher Education and Black Colleges and Universities to both monitor and contribute to educational policy formation incident to Black progress in higher education.

Rationale: This Committee was originally set up by Department of Health, Education and Welfare Secretary David Mathews during the Republican Presidency of Gerald Ford. The Committee played a most instructive role through research and through monitoring Federal programs regarding Blacks in higher education. Such a re-institution would reinforce and would make more effective President Ronald Reagan's Executive Order of September 15, 1981 regarding historically Black colleges and universities.

Moreover, the dynamic status and progress of Black Americans in higher education remains dependent on a complex of variables (e.g., financial aid, social welfare policies, minority social attitudes and expectations, state and local policies, etc.)—many of which are not traditionally considered in the formation of departmental policy, regulations and recommendations, and Congressional testimony. A specific committee of experts, practitioners, and

APPENDIX A

educators familiar with the unique and rather complex dilemma of Blacks in higher education would reduce the prospects for actions which erode or undermine the pursuit of equality of educational opportunity.

This paper is an excerpt from a larger document being prepared on the implications of the Fiscal Year 1984 Budget for Black Americans. Special thanks is given to Luther Brown, the Institute's Research Information Officer, for his assistance in preparing this excerpt.

Appendix B

Excerpts from

AAUP LEGISLATIVE NEWS, February 28, 1983

American Association of University Professors
Suite 500, One Dupont Circle, N.W., Washington, D.C. 20036

ALAS THUCYDIDES, YOU WERE RIGHT . . . when you wrote in the *History of the Peloponnesian War* of "events which happened in the past and which (human nature being what it is) will, at some time or other and in the much the same ways, be repeated in the future." Little did you know that the Reagan Administration's proposed budget for FY 1984 would include changes and reductions in the funding of Federal higher education programs similar to those proposed by the same administration in its FY 1983 budget.

1. The Administration would eliminate the Pell Grants program and instead create a "self-help grant" program that would require students to provide a minimum of 40% (or \$800 minimum) of the cost of education before they would be eligible for the new grants. The maximum grant would be \$3,000. Currently, the maximum Pell Grant is \$1800. AAUP opposes the elimination of the Pell Grant program and recommends that the maximum Pell Grant be raised to \$3,000.

2. The Administration would eliminate all funds for Supplemental Educational Opportunity Grants and the State Student Incentive Grants and new funds for the National Direct Student Loans. AAUP recommends retention of these campus-based programs in order to assure student access to higher education.

3. The Administration supports an increase for College Work Study to \$850 million (up from \$540 million in FY 1983). AAUP agrees that CWS deserves more funding.

4. The Administration would change the criteria for eligibility for Guaranteed Student Loans by extending the current need analysis requirement to all students (rather than those with family income of \$30,000 or above) and would raise the loan origination fee for graduate and professional students from 5% to 10%. AAUP opposes any changes in the Guaranteed Student Loan program.

5. The Administration would increase funding of Title III (Developing Institutions) through a supplemental appropriation for FY

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1983 but then provide the same level of funding (\$134.4 million) for FY 1984. AAUP supports increased funding for FY 1983 and FY 1984.

6. The Administration would sharply reduce funds for the TRIO programs and then assign the remaining funds to those institutions with predominately minority enrollments. AAUP strongly supports the TRIO programs and opposes this attempt to eliminate the programs.

7. The Administration would eliminate all funds for Cooperative Education, International Education and Foreign Language Studies, Graduate and Professional Opportunity Grants, Public Service Fellowships, Legal Training for the Disadvantaged, Law School Clinical Experience, and all college and research library programs. AAUP supports funding of these small but successful programs at current levels.

8. The Administration would reduce funds for the Fund for the Improvement of Postsecondary Education by 50%. AAUP opposes the Administration's attack on FIPSE.

The Reagan Administration has requested a rescission of \$968.9 million of higher education funds already appropriated for FY 1983. Of that amount, \$900 million would come out of Guaranteed Student Loans. AAUP strongly opposes the proposed rescission of FY 1983 funds.

HOW MUCH ARE THE CUTS? Don't be misled by the Reagan Administration's attempt to delude the public about cuts in funds in education. The Administration says it is asking for the same amount this year as Congress approved last year. It isn't true. The Administration has requested a rescission of 8% in the FY 1983 education appropriation and a 13% reduction in FY 1984 education funds. For higher education the cut is even deeper. Under the FY 1983 appropriation approved by Congress during the lame-duck session higher education programs administered by the Department of Education received \$7.094 billion. The Administration's request for higher education in FY 1984 is \$5.8 billion, a reduction of 18%.

Appendix C

A BIG PIECE OF THE PIE: Higher Education's Major Contribution to the Nation's Economy

How important is higher education to the nation's economy? At a time when demographers and economists are predicting disaster for our colleges and universities in the 1980s, we should take a hard look at the answer to that question.

Consider these facts: Higher education will spend close to \$65 billion in 1981-82, according to the American Council on Education. In 1979-80 it spent \$50 billion. However, that figure does not include the value of the buildings and other capital investments used in the production of educational services—unlike the figures used for industry. Fifty billion dollars, then, is a conservative estimate of the relative size of the higher education sector in 1979-80.

In 1977, the last year for which comparative figures are available, higher education's contribution to the Gross National Product was about \$42 billion—larger than that of the automobile industry (\$36 billion) and the petroleum refining industry (\$15 billion), and almost as much as agriculture (\$43.3 billion).

Few people are aware that higher education is important to our economy. Policy-makers who study the GNP discover that the Department of Commerce lists only the private higher education slice of the educational pie under "Educational Services." Yet higher education, when both private and public institutions are considered together, is among the biggest segments of the entire nonprofit sector.

You may ask: How can we compare education and industry when the latter pays corporate and real estate taxes, and the former benefits from a special tax-exempt status? This is an important difference. But remember: Higher education is not exempt from paying employment taxes. Because higher education is more labor-intensive than many other industries, it may pay more in employment taxes than some industries pay in employment and income taxes combined. The economic policies of the new administration provide tax incentives for investment on the part of private industries, but these incentives do not apply to colleges or universities.

Private industries also receive tax incentives that allow them to renovate energy-wasting facilities. Universities, on the other hand, often cannot afford insulation for lecture halls with utility bills that seem to double annually, and they get no government incentives to make those expenditures.

Further, the millions of people who work in higher education pay federal, state, and local taxes. Many taxpayers depend for their livelihood on the business of higher education. Faculty members make up almost 800,000 of the nearly 1.9 million people employed in higher education. Managerial and administrative personnel—accountants as well as deans, typists as well as presidents—make up another 280,000. Hospital and sanitation workers, cooks, groundskeepers, and other nonprofessional staff comprise another 791,000 of the workers paid by colleges and universities.

In many communities, a college or university is the largest single employer and accounts for the largest share of retail sales in the market area.

Higher education depends more heavily on labor than do many other industries, but the wages and salaries it pays are low compared with equivalent positions in industry and government. In addition, faculty salaries have lost significantly more ground to inflation than those of other professionals. In the recent two years of double-digit inflation, base salaries for faculty members have declined in buying power by 13 percent.

Universities have become important centers of professional education and technical training. Colleges and universities, as well as training our scientists and engineers, also employ most of these professionals with doctoral degrees. Scholars at universities conduct more than 50 percent of the basic research essential to many industries and 15 percent of the applied research carried out in the United States. Although industries themselves conduct most of their own applied research, they conduct only 16 percent of the basic research on which that applied research depends. Industries rely on higher education to do much of the rest.

Higher education touches almost everyone's lives. As regularly as we go to the supermarket or visit grandmother, we visit our local campus for lectures, discussion groups, or courses. Since higher

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education has broadened student access through its admissions and student aid practices, millions of people of all ages and economic backgrounds now depend on colleges and universities to expand their knowledge and improve their skills.

In 1980-81, over 12 million people enrolled in college as part-time or full-time students. Another 20 million people participated in noncredit continuing education, off-campus extension, or community service programs. Higher education works at near full capacity. Considering the total number of students that could be served with existing faculty and facilities, colleges have a utilization rate of over 90 percent. This compares favorably with the 78 percent utilization rate now found in industry.

In addition, university medical centers train our physicians, dentists, nurses, and other health professionals, conduct important medical research, and offer higher-quality, low-cost health services to their communities.

One indication of higher education's importance to society is that the demand for it is still strong, in spite of the reduced birth rates of the 1960s.

Today, as our nation considers ways to strengthen its economy, we must not forget how important higher education is to the health of the economy. As higher education flourishes or flounders, so will its many economic contributions increase or decrease. We haven't even mentioned what higher education adds to the country's intellectual and spiritual life—contributions that can't be counted, but that enrich our lives nonetheless.

NOTE: This is based on 1981 The National Investment in Higher Education, a report prepared by Association Council for Policy Analysis and Research and reprinted from *ISEP Monitor* 5 (December 1981):30.

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Dr. Tollett's latest publications are an article in the November 1982 *Harvard Educational Review* entitled "The Propriety of the Federal Role in Expanding Equal Educational Opportunity," a monograph entitled *Black Colleges As Instruments of Affirmative Action*, and a "Profile of State Representative C. B. Robinson of Tennessee" in the 1982 Special Edition of the *ISEP Monitor*.

He has drafted proposals and received research and development grants totaling nearly \$3 million. Finally, in addition to appearing on several radio and television programs, including the "Today Show" twice to debate the *Bakke Case* and "The Advocates" to debate Liberal Arts for the Masses, he has received many special awards, including the University of Chicago Alumni Association's Professional Achievement Award "for his record of outstanding contributions and leadership in his professional field which have distinguished his efforts and reflected credit upon the University and its Alumni."

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